UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.22
12 October 1993

ENGLISH
Original: SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

PARAGUAY

[30 August 1993]

CONTENTS

		Paragraphs	Page
Introduction		1 - 26	3
A.	General situation of the country	3 - 7	3
B.	Social development policies	8 - 10	3
C.	General situation of children	11 - 26	5
I.	GENERAL MEASURES OF IMPLEMENTATION	27 - 53	8
A.	Legislative measures	27 - 33	8
B.	Administrative measures	34 - 45	11
C.	Information measures	46	14
D.	Coordination measures	47 - 53	15
II.	DEFINITION OF THE CHILD	54 - 58	16

GE.93-18840 (E)

CONTENTS (continued)

		Paragraphs	Page
III.	GENERAL PRINCIPLES	59 - 81	16
	A. Non-discrimination	59 - 61	16
	B. Best interests of the child	62 - 65	17
	C. The right to life, survival and development	66 - 76	17
	D. Respect for the views of the child	77 - 81	19
IV.	CIVIL RIGHTS AND FREEDOMS	82 - 96	19
	A. Name and nationality	82	19
	B. Preservation of identity	83 - 85	19
	C. Freedom of expression	86 - 87	20
	D. Freedom of thought, conscience, religion, association and of peaceful assembly	88 - 92	20
	E. Protection of privacy	93 - 94	21
	F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment	95 - 96	21
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	97 - 114	21
VI.	BASIC HEALTH AND WELFARE	115 - 119	24
VII.	EDUCATION, LEISURE AND CULTURAL ACTIVITIES	120 - 129	26
	A. Basic education	122 - 125	27
	B. Human resources	126 - 127	27
	C. Educational reform	128	28
	D. Leisure	129	28
VIII.	SPECIAL PROTECTION MEASURES	130 - 158	28
	A. Children in conflict with the law	131 - 140	28
	B. Children in situations of exploitation	141 - 154	30
	C. Disabled minors	155 - 158	32
IX.	GENERAL CONSIDERATIONS	159 - 160	33

Introduction

1. This initial report is submitted in compliance with article 44 of the Convention on the Rights of the Child which was ratified by Paraguay in Act No. 57/90 promulgated on 20 September 1990. It was prepared by the Directorate-General for Human Rights of the Ministry of Justice and Labour under the supervision of Mr. Eric María Salum Pires. In conformity with the current Constitution, the provisions of the Convention are incorporated automatically into the domestic law of Paraguay and form an integral part of national legislation.

2. At the World Summit for Children held in New York on 29 September 1990 the Minister for Foreign Affairs of Paraguay, Mr. Alexis Frutos Vaesken, signed the Summit Agreements, committing his Government to comply with and carry out the agreed Plan of Action. By this act, the Government of Paraguay sought to give within the international community a firm undertaking to respect human rights and fundamental freedoms and to initiate a rapid process of change which will provide children with the conditions essential for their full development.

A. General situation of the country

3. With a surface area of 406,752 km^2, Paraguay is divided into two main regions: the Oriental, which accounts for 39 per cent of its territory and contains 98 per cent of its population and the Occidental, which is dry and sparsely populated. It is estimated that 55 per cent of the population of 4,123,550 lives in rural areas.

4. Paraguay is the only genuinely bilingual country in Latin America. The majority of its citizens are equally fluent in Guaraní and Spanish, with Guaraní predominating in rural areas and Spanish in urban areas.

5. With an average annual per capita income of $1,245 and social indicators that point to shortcomings in nutrition, health and education, Paraguay has been classified as a medium developing country according to the methodology used by UNDP in the preparation of the Human Development Index.

6. In recent decades the Paraguayan economy's rate of growth was far higher than the Latin American average. The main reasons are the inclusion of large crops of soya and cotton in the agro-exporting economy and the multiplier effect of the large-scale investment associated with the Itaipú hydroelectric dam at the end of the 1970s.

7. Between 1982 and 1986, a decline in the rate of growth was recorded as a result of adverse climatic conditions and unfavourable external factors stemming from the world recession and the debt crisis.

B. Social Development Policies

8. In April 1989, the new Government approved the 1989-1990 Economic and Social Development Plan. The object of the Plan was to achieve sustained growth and to help to resolve the problems inherited as a result of 35 years

of dictatorship and considered most urgent, namely, unemployment, inflation and social claims. The most significant aspects of the Plan are the following:

(a) Unrestricted foreign exchange to achieve a stabilization of the balance of payments and improved capitalization of foreign currencies;

(b) Tax reform in order to increase fiscal revenue, simplify collection procedures and ensure effective administration;

(c) The promotion of overall rural development and implementation of agrarian reform activities;

(d) The modernization and administrative and institutional restructuring of the public sector with a view to improving the effectiveness of the Government's administration;

(e) The promulgation in March 1990 of the Act for the Promotion of Investment;

(f) The establishment of the Department of Charity and Social Welfare (DIPEN) in April 1989 by Presidential Decree in order to meet the human needs of the groups lacking adequate economic resources.

9. At the beginning of 1989, the democratic Government tackled the promotion of social development policies aimed at improving the living conditions of low income groups:

(a) It established new institutions such as the National Housing Council (CONAVI) and strengthened other institutions such as the National Savings and Loan Bank for Housing and the National Savings and Loan System for Housing by channelling financial resources;

(b) The CONAVI initiated a programme to make dwellings available to individuals with limited resources. It has developed 11 housing projects each comprising 200 houses with basic services and support programmes in various regions of the country. It plans to make a further 3,000 dwellings available.

10. The Government has carried out a series of structural reforms and achieved a better distribution of national income:

(a) The public resources assigned to the social sector were increased by 42.2 per cent in the period from 1989 to 1991 and account for 6 per cent of the GDP;

(b) In the area of agrarian reform and rural settlement, approximately 6,877 families have benefited from the development of 42 settlements. The budget assigned to the Institute for Rural Welfare increased by 130.3 per cent for the period 1989 to 1991;

(c) The Department of Charity and Social Welfare (DIBEN) built and handed over to five communities in the interior cultural and sporting centres, valued at approximately G3,500 million;

(d) The current Constitution provides that the resources earmarked for education in the national budget shall not be less than the 20 per cent assigned to the central Government. Teachers' salaries have been improved, new primary and secondary schools have been built and the human and financial resources of the national University have been increased;

(e) Health has been the focus of governmental action by means of the various curative and preventive programmes. The budget earmarked for this important sector increased by 30.9 per cent in the period 1991-1992.

C. General situation of children

11. In 1989, the new Government took over a country with very disquieting social and economic indicators which had a negative impact on children, since Paraguay currently has 1,943,954 persons under 18 years of age who form 47 per cent of the population (1992 census). The gradual improvement in the conditions created by the emergence of this national set of problems will be a difficult task.

Education

12. The real extent of illiteracy may be as high as 25 per cent. Primary education extends to 89 per cent of the child population from 7 to 14 years of age, with 45,960 children having no schooling. In the year 1993, 150,000 six-year olds are expected to enter primary school, according to data provided by the Office of the Under-Secretary of State for Education. Secondary education accounts for 15.4 per cent of the total population of which 4.2 per cent completes this phase. In the rural sector the situation in respect of education is worse since the school attendance rate is only 32 per cent. The various efforts that are being made to increase taxation and to renegotiate the repayment of the foreign debt inherited from the previous regime are being directed towards making the necessary resources available to tackle this social need.

Health

13. The most serious health problems include high rates of maternal-infant mortality, rates of infant morbidity, rates of vaccination and child nutrition. The main causes of the situation in respect of child health are acknowledged to be the consequences of inadequate sanitation, the lack of health education, inadequate hygiene and poor cover of services for vulnerable groups.

Levels of vaccination

14. There are disparities in the levels of vaccination and its coverage, which is better in urban areas for children of better educated mothers.

Infant mortality indicators

15. According to UNICEF, Paraguay is among the countries having an average rate of infant mortality. Estimates carried out by the Technical Secretariat

for Planning indicate an infant mortality rate (0-1 years of age) of 41 per thousand live births and a rate of 61 per thousand live births for children under five years of age.

Basic health conditions

16. The basic conditions of child health, largely determined by the shortcomings noted, were reviewed by the present Government which made more funding available in areas where there were shortcomings in health care.

Type of family

17. The type of family organization predominating in Paraguay is the extended family in which households include other relatives in addition to their permanent members. This state of affairs occurs in urban as well as in rural areas. Some 79.3 per cent of all families are extended families and 9.2 per cent are nuclear families. The family home is the place in which the Paraguayan child is raised.

Information

18. The mass communication medium that exercises most influence on the child population is television. Paraguay has two major national television networks offering various programmes for children. The cable television system has a channel showing children's programmes exclusively. The written press with supplements for children reaches 15 per cent of the population.

Cultural identity

19. Bilingualism is a cultural feature of considerable importance. According to the 1982 census, 40.1 per cent of the population speaks only Guaraní and 48 per cent Guaraní and Spanish. Some 6.5 per cent communicates solely in Spanish. The Guaraní-speaking groups are precluded from acceding to higher education, in which this situation is not taken into account in teaching programmes. The first National Education Congress decided that the complexity of the bilingual educational process is an issue that has to be confronted in Paraguay as well as included in the reform of education.

Disabled juveniles

20. Estimates based on the data provided by the Department of Special Education of the Ministry of Education and Worship for the year 1990 showed that 444,771 people, or 10.4 per cent of the population, suffered from some form of disability. Of this overall figure, 225,227 individuals were under 20 years of age. In the official sphere there is a Department of Special Education in the Ministry of Education and a free medical and social assistance unit. There are also private organizations that offer assistance. The major difficulty in the way of appropriate and efficient treatment is the overloading of the assistance services which means that disabled persons in the interior of the country have no access to centres and services.

Indigenous children and adolescents

21. It is estimated that there are 80,000 indigenous persons divided into 17 ethnic groups belonging to 5 different linguistic communities; 29,437 are children of school age. Some 33 per cent (9,732 children) have attended primary school and 173 (0.58 per cent) secondary school. Until approximately the age of 4 children stay with their parents. Subsequently they join in the life of the community on an equal footing with adults.

Orphans and abandoned children

22. At the official level, the Directorate-General for the Protection of Juveniles is responsible for the care and reception of these children. There are 73 children's homes in the capital. The Guardianship and Correctional Juvenile Courts enjoy the support of the National Children's Home in its activities in this field. The adoption of juveniles is a measure envisaged in the Juvenile Code to offer a solution to abandoned children. Community schemes such as the "de facto family placement" have been devised to provide care for children and adolescents in this situation.

Child workers

23. In 1991 it was estimated that there were 20,000 child workers in the Gran Asuncion area aged between 8 and 16. The information indicates that 79 per cent of the children working in the street were engaged in such activities as peddling, selling newspapers, shining shoes and minding cars. Of that recorded total, 54 per cent lived in slum areas and 62 per cent came from families which did not have a regular monthly income; consequently the children were obliged to go out to work and to contribute their earnings to the family budget.

Child abuse

24. Although no uniform register of cases of abuse and ill-treatment exists, media reports do not indicate an increase in the number of complaints concerning attacks on the physical and psychological security of minors. In addition to the Directorate-General for the Protection of Juveniles there are other centres that receive complaints or provide legal and psychological assistance to victims, including the "25th of November" women's group, the Health Centre, under the auspices of the Ministry of Health, the Family Department of the Metropolitan Police, and so on.

Young offenders

25. The María Reina Institute (for adolescent girls) and the Panchito Lopez Institute of Re-education (for adolescent boys), both located in the capital take in juveniles who have infringed the criminal laws or misbehaved. An average of 175 young offenders are admitted each year into these institutions; in 87 per cent of the cases they are interned for offences against property and the rate of recidivism is 47 per cent.

Compulsory military service

26. The current Constitution prescribes compulsory military service at the age of 17 and allows conscientious objection; the use of conscripts for activities unrelated to service is also prohibited. Approximately 50,000 young persons are performing military service.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Legislative measures

1. National Constitution

27. The National Constitution, promulgated on 20 June 1992, represents a major advance in bringing national legislation into line with the Convention on the Rights of the Child and contains a series of rules that protect and guarantee fundamental rights. It might even be considered as a catalogue of civil, political, social, cultural and economic rights, and is regarded as one of the most modern and progressive in Latin America:

(a) In Section I of Title II concerning "Rights, Duties and Guarantees", article 4, relating to the right to life, states: "The right to life is inherent in the human being. His general protection is guaranteed from the time of conception.";

(b) Article 5 states: "No one shall be subjected to torture or to cruel, inhuman or degrading punishment or treatment.";

(c) Article 6 states: "The State will promote the quality of life through plans and policies which take into account conditioning factors, such as extreme poverty and impediments of disability and age.";

(d) Article 9 states: "Every person shall have the right to protection of his freedom and security.";

(e) Article 10 states: "Slavery, servitude and the trafficking of persons for prostitution or the execution of degrading tasks shall be prohibited.";

(f) Article 21 on the reporting of legal proceedings states: "Juveniles involved in legal proceedings shall not be publicly identified.";

(g) Article 24 states: "Everyone is entitled freely to express their personality, their creative spirit and to form their own identity and image.";

(h) Article 36 states: "The right to conscientious objection on ethical or religious grounds (is recognized) in the circumstances permitted by the Constitution and by the law.";

(i) Article 45 states: "All residents of the Republic are equal as to their dignity and rights. No discrimination shall be permitted.";

(j) Article 41 states: "Full protection for the family shall be promoted and guaranteed.";

(k) Article 52 states: "Parents have a right and duty to care for, feed, educate and support their children while they are under age. Failure to comply with the duty to provide food shall be punished by law.

All siblings shall be equal before the law.

Qualification of parentage in official papers shall be prohibited.";

(l) Article 53 on the protection of the child states: "The family, society and the State shall have the duty to guarantee the child full and harmonious development and full enjoyment of his rights, and shall protect him against neglect, malnutrition, violence, abuse, trafficking and exploitation.

All persons shall have the right to demand that the competent authority complies with these guarantees and punishes those who infringe them.

In the event of conflict, the rights of the child shall be paramount.";

(m) Article 57 states: "Persons with special needs shall be guaranteed health care, education, recreation and vocational training to ensure their full social integration. They shall enjoy the rights granted by this Constitution to all inhabitants of the Republic on a basis of equal opportunity to offset their disadvantages.";

(n) Article 60 states: "Special plans shall be implemented to ensure the reproductive health and maternal and child health of low-income persons.";

(o) Article 72 states: "Everyone has the right to a comprehensive and permanent education.";

(p) Article 75 states: "Elementary education is mandatory. It shall be free of charge in State schools.";

(q) Article 84 states: "Resources appropriated in the national budget for education shall not be less than 20 per cent of the total amount allocated to the central Government.";

(r) Article 89 states: "Priority shall be given to the rights of under age workers in order to ensure their normal, physical, intellectual and moral development.";

(s) Article 128 states: "Military service shall be compulsory and shall be performed with full respect for human dignity.

In peacetime, it shall not exceed 12 months.

Conscientious objectors shall serve in welfare centres designated by law.

Personal military service not defined by law or for the benefit or profit of private citizens or organizations is prohibited.".

2. Draft Juvenile Code

28. In order to comply with article 4 of the Convention, in November 1991, the Directorate-General for the Protection of Juveniles of the Ministry of Justice and Labour began work on the reform of the Juvenile Code (Act No. 903/81) to bring it into line with the Convention. For that purpose, a technical team engaged by UNICEF and consisting of lawyers, teachers and psychologists working with young people, together with organizations specializing in those areas, tackled the analysis and adaptation of the rules in the Code.

29. In August 1992 the draft Juvenile Code was formally submitted. It is considered to be progressive and differs from the earlier Code which was paternalistic in its approach. It abolishes the stigmatizing concept of "minors in irregular situation", and is based on the principle that juveniles should enjoy fundamental rights, irrespective of their social origin. It also recognizes the right of juveniles to special protection in keeping with their physical and mental development. This draft is now before the appropriate committee in the Chamber of Deputies for consideration and subsequent approval.

30. On 26 October 1992, Act No. 122/91 establishing exemption from arrest and custody pending trial was promulgated. This Act also concerns juveniles charged with offences coming under criminal jurisdiction.

31. Act No. 1340 amending Act No. 357/72 punishing unlawful trafficking in narcotics and dangerous drugs and other related offences, provides for preventive measures and for the rehabilitation of drug dependents. Article 14 states that: "Any person supplying narcotic substances and dangerous drugs or products containing them to a minor shall be sentenced to 10 to 25 years' imprisonment."

32. Article 315 of the Penal Code has been amended to read as follows: "The penalty for rape shall be: 1. Eighteen to 24 years' imprisonment if a juvenile of between 11 and 16 years of age is involved. If the victim dies as a result of the rape, or if the crime is committed by more than one person on the same occasion, the penalty shall be increased by one half."

33. Article 325 of the Penal Code has been amended to read as follows:

"The penalty for abduction shall be:

1. Three to six years' rigorous imprisonment if the victim is below the age of 12;

2. Two to four years' rigorous imprisonment if the victim is below the age of 15 or is a married woman;

3. One to three years' rigorous imprisonment for all other cases."

B. Administrative measures

34. The Directorate-General for the Protection of Juveniles, which is the only official administrative child welfare agency, was set up by article 317 of Act No. 903/81. Its functions and powers are as follows:

(a) To plan and implement programmes for children and young persons;

(b) To protect the rights of children and adolescents;

(c) To provide protection for pregnant women;

(d) To provide assistance for all children and young persons in an irregular situation;

(e) To report and prosecute anyone who assaults a young person;

(f) To supervise the working conditions of young persons;

(g) To register and supervise child welfare institutions;

(h) To promote legislative reform;

(i) To ensure the proper running of child welfare institutions;

(j) To promote the basic and further training of human resources.

The Directorate has embarked on a number of welfare programmes for children in an irregular situation, suffering neglect or in physical or moral danger.

35. The Directorate-General for Human Rights was set up by Decree No. 8099 of 24 December 1990, under the Ministry of Justice and Labour, with the basic tasks of:

(a) Disseminating and promoting all international human rights instruments ratified by Paraguay;

(b) Promoting legislative reforms.

36. In the run-up to the municipal elections, candidates for the municipality of Asunción, meeting at the invitation of the Health Writers' Association (CPPC) and the United Nations Children's Fund (UNICEF) signed a Commitment to the children of Paraguay. This agreement provides that the signatories undertake, as citizens and municipal councillors, and as part of the major national crusade on behalf of the children of Paraguay, to give absolute priority to the various community programmes. In response to this agreement, those elected drafted child-care programmes.

37. In 1992 children and young persons' services were set up in a number of municipal authorities, such as the Secretariat for Children and Young Persons in the municipality of Asunción and the Municipal Secretariat for the Protection of Minors in Ciudad del Este.

38. According to the 1982 census, 89 per cent of the child population between 7 and 14 years received primary education; 45,000 children had no schooling during the year. Some 15.4 per cent of the total population went on to secondary education while only 4.2 per cent completed it; 2.7 per cent of the total population proceeded to higher education.

39. For 1993, an increase of over 31 per cent of the health budget has been allocated to expand health services and staff.

40. In 1990, 10.4 per cent of the population suffered from some form of disability; 225,227 of them were below the age of 20. The Department of Special Education in the Ministry of Education is the body responsible for the educational needs of this group; it also supervises the activities of an official body which provides medical and social care free of charge for the disabled. There are other voluntary and subsidized agencies involved in providing health, educational and employment assistance to disabled children and young persons. One of the worst difficulties has been the centralization of welfare services in urban areas and the lack of comprehensive programmes that would provide continuing care from an early age.

41. The National Plan of Action for children was set up by Decree No. 14.892 of September 1992. The present 10-year Plan of Action was drawn up by the National Inter-Agency Coordinating Committee Paraguay-UNICEF, consisting of:

(a) The Ministry of Public Health and Social Welfare;

(b) The Ministry of Agriculture and Livestock;

(c) The Ministry of Justice and Labour;

(d) The Technical Planning Secretariat;

(e) The Catholic Church;

(f) The Paraguayan Medical Association;

(g) The Paraguayan Paediatrics Association;

(h) The National Council of Charitable Organizations.

UNICEF provided technical assistance.

42. Taking into account the Government's priorities and the World Declaration on the Survival, Protection and Development of Children signed by the Government of Paraguay at the World Summit for Children in New York in September 1990, and on the basis of forecasts and analyses made in Paraguay, the Plan of Action aims at implementing a comprehensive set of programmes by means of co-ordinated action in the public sector, by non-governmental organizations and by the community to achieve the following targets:

(a) To reduce infantile and maternal morbidity and mortality and acute and general malnutrition;

(b) To promote access to drinking water and health services;

(c) To consolidate and expand enrolment and attendance in basic and primary education;

(d) To reduce illiteracy;

(e) To protect children with special difficulties.

43. Taking into account its purpose and context, the Plan of Action represents a political commitment by the Government of Paraguay and provides a general framework for its social policies aimed at realizing the objectives and programme of the Plan of Action of the World Summit for Children, while at the same time upholding the criterion of high priority irrespective of any political changes which might occur in the country.

44. The Co-ordinating Committee for the Introduction of the Plan of Action for Children is composed of representatives of the above-mentioned bodies under the chairmanship of Dr. Agustín Carrizosa, of the Ministry of Health, who has stated that the plan has entered its first phase of implementation with the following activities:

(a) Preparation of the budget which has already been approved;

(b) Decentralization of the Plan and its transfer to the various health regions of the country;

(c) Organization of regional committees;

(d) Participation in the Educational Reform Conference with proposals for action in the field of education;

(e) Organization of information seminars.

Metropolitan Police Family Department

45. This department is developing a programme for young offenders and children with special difficulties in the following areas:

(a) Prevention: preventive work is carried out in conjunction with the women's and adolescent boys' branches and the family section of each police station and involves:

(i) Training of police personnel;

(ii) Special treatment of young detainees;

(iii) Liaison with the Judiciary from the police station;

(iv) Instruction for parents of young offenders;

(v) Compulsory check on street children in cooperation with the relevant police station;

(vi) AIDS prevention workshop;

(vii) Individual and free legal aid;

(viii) Preventive workshops in the family section of each police station.

(b) Institutional coordination: Coordination of activities with the Ministry of Education and Worship, the Ministry of Health and the Family Division of the Archdiocese and the organization of talks on the prevention of violence, family relationships and AIDS prevention.

(c) Scope of assistance: Therapeutic and legal aid totally free of charge at all levels: parental, generation, adolescent, child, for victims of abuse, abusers and self-help groups.

(d) Analytical activity: Monthly statistical report and analysis of annual trends in crime.

C. Information measures

46. In relation to article 42:

(a) Eight-hour training courses for the technical guidance team at the Ministry of Education and Worship, consisting of advisers, child guidance experts, social workers, psychologists, and run by experts from the Directorate-General for Human Rights;

(b) Children's Week (10-14 August), during which the Directorate-General for Human Rights organized talks and courses on the Convention at various schools in the capital;

(c) Youth Week (14-20 September): Talks on the Convention and secondary educational institutes by experts from the Directorate-General for Human Rights;

(d) Training courses for primary school supervisors aimed at encouraging them and headmasters to incorporate human rights into the school curriculum. Eighty supervisors from various parts of the country took part;

(e) In the area of formal education, an international event was held from 10 to 12 August 1992 with the Inter-American Institute of Human Rights, the theme of which was the "First educational seminar on human rights". The subjects covered were human rights educational policy for formal teaching, curricular changes, adaptation of texts and subject matter, and non-formal system of education;

(f) As part of the promotion and dissemination of the Convention on the Rights of the Child, a magazine has been prepared and published jointly by the Directorate-General for Human Rights, the Centre for the Protection of Minors and the Directorate-General for the Protection of Juveniles, containing cartoons illustrating the articles of the Convention by the Paraguayan artist

Nico, together with posters on the subject, under the auspices of UNICEF. Ten thousand copies of this magazine have been distributed to the libraries of the primary educational establishments;

(g) The Directorate-General for Human Rights, with the assistance of the Human Development Programme, the Department of Charity and Social Welfare, the Ministry of Education and Worship, and UNICEF launched the most wide-ranging event: "The children's election campaign: Children, vote for your rights";

(h) The Directorate-General for Human Rights, in conjunction with the Ministry of Education, is organizing a second major event to promote awareness of the Convention: the "Youth Elections", which will be held during the first half of June 1993 in the secondary education establishments throughout the country;

(i) A course has also be planned for April on methods and subject-matter for human rights teaching.

D. Coordination measures

47. On 1 June 1991, the Human Development Programme in coordination with the United Nations Development Programme (UNDP) and the Ministry of Agriculture and Livestock, the Ministry of Public Health and Social Welfare and the Ministry of Education and Worship officially initiated a joint project with the following objectives:

(a) To reduce nutritional deficiency among children, by providing 53,000 school meals for children suffering from nutritional deficiencies in the country's interior;

(b) To contribute to the elimination of goitre, which is endemic in Paraguay, by purchasing and distributing to the school population 600,000 capsules of iodized oil, and through an educational campaign to promote the use of iodized salt entitled "Stop goitre among Paraguay's children". The project is now fully operational.

48. In conjunction with numerous medical centres, the Department of Charity and Social Welfare is implementing a comprehensive programme to identify and evaluate factors affecting the high rate of maternal and infant mortality and to implement programmes and measures to reduce the relevant mortality levels.

49. The Ministry of Public Health and Social Welfare has established, through the Department of Social Welfare, an advisory board on issues relating to children and young persons, which a number of specialists and members of non-governmental organizations, have been invited to attend.

50. In April 1992 the Ministry of Education established the National Youth Council which has held a number of preparatory meetings for its future activities.

51. The National Inter-agency Coordinating Committee will administer the National Plan of Action for Children, approved by Decree No. 14892, of September 1992.

52. The purpose of the Inter-agency Commission, which comprises the Directorate-General for Human Rights, the Ministry of Education and Worship and non-governmental organizations, is to prepare campaigns to develop knowledge of the instruments ratified by Paraguay within the formal educational system.

53. The Directorate-General for the Protection of Juveniles, whose principal aim (as determined by Act No. 903/81) is to coordinate and monitor the activities of all public and private bodies working for the welfare of children and adolescents is required gradually to draw up an institutional policy concomitant with the development of its resources and personnel.

II. DEFINITION OF THE CHILD

54. There is no definition of the child in Paraguayan legislation and regulations. The age of majority is 20; children may not be held criminally liable until the age of 14. The minimum age at which part-time work is authorized is 12, domestic employment is authorized from the age of 15 and full-time employment from the age of 18.

55. Persons acquire full civil rights and the right to conduct their affairs at the age of 18. The minimum age for matrimony is 12 for women and 14 for men.

56. Men perform compulsory military service from the age of 17 and may voluntarily enlist, with legal authorization, from the age of 15.

57. Any statement in a court is invalid if the child is below 14 years of age. Children below 15 years of age may not be given custodial sentences.

58. Children below the age of 18 may not enter establishments that are open at night. Alcoholic beverages may not be sold to persons under 18 years of age.

III. GENERAL PRINCIPLES

A. Non-discrimination

59. Chapter III of the 1992 Constitution (from arts. 45 to 47) establishes that all persons are equal and prohibits discrimination.

60. Article 30 of the draft Juvenile Code prohibits discrimination and prescribes the adoption of measures to protect minors. However, some forms of discrimination still persist, such as discrimination against children from ethnic or racial minorities or disabled children.

61. There are private organizations that combat discrimination. The Department of Charity and Social Welfare operates a programme of assistance for the handicapped. As part of the programme, a national plan for disabled persons has been developed and formulated with the cooperation of UNDP.

B. Best interests of the child

62. Chapter IV, article 53 of the 1992 Constitution emphasizes the best interests of the child and stipulates that the family, society and the State shall have the duty to guarantee the child full and harmonious development and full enjoyment of his rights, and shall protect him against neglect, malnutrition, abuse, trafficking and exploitation. All persons shall have the right to demand that the competent authority complies with these guarantees and punishes those who infringe them.

63. In the event of conflict, the rights of the child shall be paramount.

64. The Juvenile Code stipulates that any measures adopted shall take into account the best interests of the child.

65. Health has been the focal point of government measures, through its various preventive and remedial programmes. The budget of this major sector increased by 30 per cent between 1989 and 1991. Funds earmarked for health, nutrition, food, education, water and sanitation and for children in particularly difficult circumstances are due to be increased further in order to address the social backlog that has developed in Paraguay as a result of a long dictatorship that for decades ignored the demands of the population.

C. The right to life, survival and development

66. Article 4 of the Constitution states that the right to life is inherent in the human being. Protection of the right is guaranteed from the moment of conception. Articles 53, 67 and 72 guarantee the survival and development of the child.

67. As has already been observed, the problems relating to juveniles pose a considerable challenge, as the under-14 age-group makes up 41 per cent of the country's total population and the under-18 age-group 46.7 per cent. A significant percentage of this group is made up of children with difficulties or at risk, who require special and urgent measures on the part of the State.

68. The fact that increasing numbers of children work puts them at risk and is the source of numerous complaints of ill-treatment and sexual abuse. An estimated 15,000 minors work "from" and "in" the streets of Gran Asunción.

69. The situation of minors is most acute in the frontier towns of Pedro Juan Caballero, Ciudad del Este and Encarnación.

70. The infant mortality rate is 41 per thousand live births. The main causes of death in this age-group are perinatal conditions (36.42 per cent), infections affecting newborn children (10.16 per cent), neonatal tetanus (1.46 per cent), diarrhoea (13.63 per cent), pneumonia and influenza (12.27 per cent) and congenital anomalies (6.29 per cent). As regards morbidity, in 1990 acute respiratory diseases were the primary cause of morbidity (102,529 cases). Diarrhoea was the second cause, with 27,209 recorded cases and malnutrition the third cause (4,778). The causes of

mortality in the 1 to 4-year age-group were, in order of importance, diarrhoea, pneumonia, violence and septicaemia, which accounted for 56.18 per cent of deaths.

71. There are 74 public- and private-sector institutions in the capital, which care for 2,155 children aged from 0 to 15 years, providing 25 per cent of total coverage. There are 11 approved establishments in the interior of the country, providing 5 per cent of total services.

72. Vaccination rates among children under 1 year of age has risen from 51 to 90 per cent in the case of BCG, from 55 to 79 per cent in that of DPT, from 46 to 69 per cent in the case of measles and from 36 to 44 per cent in the case of antitetanus vaccination of pregnant women. Since 1990 vaccination against polio has achieved levels exceeding 90 per cent.

73. The Department of Charity and Social Welfare and the Ministry of Public Health and Social Welfare are jointly implementing a comprehensive programme to identify and evaluate factors affecting the high rate of maternal and infant mortality, and introducing programmes and measures designed to reduce it.

74. A total of 93.6 per cent of children of primary-school age receive primary education; coverage at this level is thus higher. None the less, there are problems with children who drop out of school or who lag behind. The difficulties include the budgetary deficit, inadequate infrastructure, incomplete schooling in certain rural areas, inadequate training of teachers and the problem of bilingualism for which are taken into consideration in the curricula; 15 per cent of the total school population enters secondary education, although only 4.2 per cent completes it.

75. A report submitted by the Ministry of Education has indicated that in 1990, 45 per cent of secondary-school pupils failed their exams; this is attributable to a stricter system of assessment throughout the country, overcrowding in classrooms, run-down school premises. According to the report, bilingualism is one of the reasons why 20 per cent of Paraguayan children fail to attend school, 21 per cent repeat their school year, 65 per cent fail to complete primary school and 30 per cent drop-out during the first cycle of primary education.

76. A number of activities are organized in order to reduce the school drop-out rate and to develop closer relations between home and school. For example, there are schools for parents, home visits, meetings with parents or guardians and running the school meals service. There have also been encouraging developments with the establishment of an advisory commission on educational reform, which has held regional consultations. The first proposals to come out of these meetings are the following:

(a) A bilingual first cycle of primary education in order to avert or considerably diminish the lack of motivation and the drop-out rate;

(b) Decentralization and regionalization of education in order to adapt it to regional characteristics.

D. Respect for the views of the child

77. Children are as a rule required to comply with school rules, which generally lay down more duties than rights.

78. The participation of students in the grade or class councils has led to greater freedom to settle matters connected with the interests of children and adolescents.

79. Unfortunately the views of children are rarely taken into account in judgements concerning custody or in wardship decisions in general.

80. A statement by a child or adolescent does not constitute sufficient evidence to initiate criminal proceedings for sexual abuse, for which conclusive medical certificates are required.

81. Under the current Civil Code, children aged under 14 are legally incompetent; accordingly, they require a legal representative to settle any disputes.

IV. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

82. Article 11 of the draft Juvenile Code states that a newborn child is to be identified by taking foot- and fingerprints of its parents. If the father is absent the mother will provide prints, and vice versa. Article 12 states: "The print must be taken within 24 hours and filed with the Civil Registry Office within 36 hours of the birth of the child". Article 13 reads: "Any child of either sex shall be entitled to know his or her identity and to initiate judicial proceedings to determine his or her origin and natural parents". Article 14 states: "The relevant judicial investigation shall be confidential".

B. Preservation of identity

83. As already noted, according to the data of the 1982 census, the majority of the population speaks Guaraní. A total of 40.1 per cent of inhabitants exclusively speak Guaraní; 48.6 per cent speak Guaraní and Spanish and 6.5 per cent exclusively Spanish. Guaraní speakers found it impossible to enter higher education, as the curricula make no provision for the language problem. According to the Ministry of Education and Worship, bilingualism is one reason why 21 per cent of pupils repeat first grade, 65 per cent drop-out of school before completing primary education and 30 per cent drop-out of school in the course of the first cycle of education. The new wave of educational reform must necessarily address the complex nature of the bilingual educational process. Consideration will have to be given, within the reform, to teacher training, the adaptation of texts, content and methodology.

84. Article 62 of the current Constitution establishes: "The right of indigenous peoples to preserve and develop their ethnic identity within their habitat is hereby recognized and guaranteed. They shall also be entitled to

practise freely their systems of political, social and economic, cultural and religious organization, and to observe freely their customary practices in regulating their domestic affairs, provided they do not violate the fundamental rights laid down in this Constitution."

85. Article 24 of the Constitution states that: "Everyone is entitled freely to express his personality, his creative spirit and to form his own identity and image. Ideological pluralism is guaranteed."

C. Freedom of expression

86. Article 25 of the Constitution states: "The free expression and dissemination of thoughts and opinions without any form of censorship are hereby guaranteed. No law shall be passed that might restrict or hinder these rights. All persons shall have the right to provide, process or disseminate information and to use any effective legal instrument to achieve these goals."

87. The Ministry of Education and Worship has introduced programmes to promote active and constructive participation by children and adolescents: the grade and class councils. The Office of the Under-Secretary of State for Education also convened secondary students to the Higher Educational Institute for a consultative pre-congress for educational reform, whose conclusions were submitted to the First National Congress on Educational Reform held in December 1992.

D. Freedom of thought, conscience and religion, association and of peaceful assembly

88. There are currently several organizations in Paraguay which provide young people with an alternative means of expression. In the political sphere, as well as in the spheres of student life and religion, young people are organizing themselves to develop projects to achieve greater participation in areas hitherto restricted to adults.

89. The Federation of Secondary Students has submitted to the parliamentary Constitutional Affairs Commission the "student ticket" project, whose aim is to reduce the cost of travel by public transport.

90. However, students, and in particular secondary-school students, encounter problems in forming associations and setting up student centres within the educational centres. There are currently numerous recently established centres, which came into being because students needed to solve their problems methodically and to organize as an effective force in order to press their claims. In response to this move, the Ministry of Education and Worship has recently decided to encourage and facilitate student participation in academic and corporate affairs.

91. Other organizations, such as the Federación de Estudiantes Secundarios (Secondary Students' Federation (FES)) and the Frente Juvenil Democrático de Luque (Luque Democratic Youth Front (FJD)), are organizing activities as part of a "consciousness-raising programme". The organization that currently wields the most influence is the Catholic Church, thanks to its progressive

line in terms of the objectives laid down for its youth organizations, with the establishment of the Youth Mission, catering specially for young people.

92. There are no official measures to encourage participation by children in developing and administering areas within which children may express themselves in the media, apart from a number of private activities.

E. Protection of privacy

93. The child's privacy is guaranteed by the Constitution, and the Juvenile Code stipulates that no publicity shall be given to matters involving minors.

94. Article 10 of the draft reform of the Juvenile Code establishes the right to "... protection for family life within the home, to be treated as befits the child's degree of development, and to all the rights contained in the Convention on the Rights of the Child".

F. The right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

95. The current Constitution, the Juvenile Code, the draft reform of the Juvenile Code, the Juvenile Correctional Court, the Directorate-General for the Protection of Juveniles and non-governmental organizations concerned with children prohibit, protect, control, report and punish any form of cruel or inhuman treatment of children; nevertheless, a number of police detention or rehabilitation centres continue such practices. However, whenever any complaints are received concerning police detention centres or rehabilitation centres, they are immediately investigated. In addition, the local press cooperates by reporting matters that merit investigation, thereby to some extent helping to check and prevent the commission of such violations.

96. The "Panchito López" Institute for Young Persons, which accommodates young offenders, was recently investigated following repeated complaints. In order to provide better care, the Institute was transferred to the capital. Although the premises are small to accommodate 175 detainees, the detainees have easy access to their relatives and to judicial proceedings concerning them. The Directorate-General for Human Rights is implementing a legal aid programme for children in a situation of critical poverty within the above Institute. Its main objective is to provide legal assistance to children classified as being in a state of critical poverty. The programme has six legal advisers from the Directorate-General and since it was set up it has settled 80 cases, in some cases by speeding up legal procedure and in others obtaining the release of the children.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

97. The predominant type of family structure in Paraguay is the extended family, in which households include other relatives among their permanent members. Extended families predominate in both urban and rural areas, and account for 79.3 per cent of the total number of families. The figure is higher in rural areas, 83.5 per cent, while the percentage of extended families in urban areas is 73.5 per cent. Only 9.2 per cent of families are of the nuclear type. Another type of family which is more common than the

nuclear family is the composite family, representing 1[illegible]4 per cent of the total: 13.5 per cent in urban areas and 8 per cent in rural areas.

98. On the basis of the 1990 household surveys the population of metropolitan Asunción is 1,150,806 (27 per cent of the country's total population). It is noteworthy that the predominant type of family is the nuclear family, which accounts for 46 per cent of the total. Extended families account for 37 per cent and composite families 11 per cent.

99. The family is undoubtedly the sphere in which the socialization of children begins, through which they enter society, in short, the type of family organization is an important factor in their development.

100. Chapter IV, article 48, of the Constitution states that "... the family is the basis of society. Comprehensive protection for the family shall be encouraged and guaranteed."

101. In 81.9 per cent of families, the head of the household is a man. Women are thus the head of the household in 18.1 per cent of cases. The number of male heads of household is higher in rural areas. Women only assume the role of head of household in the absence of a male companion.

102. Title I, article 8, of the Juvenile Code establishes rights for minors and the draft reform of the Juvenile Code, chapter IV, contains articles to protect the family environment of minors. If minors are separated from their family, alternative types of care may be provided, such as family placement, care by relatives and adoption.

103. The difficult living conditions, above all in rural areas or marginal urban areas, means that children are placed by their parents or guardians in the service of other wealthier families. This private oral custodial arrangement, without any safeguard, and which constitutes a form of unlawful custody, frequently leads to exploitation of children's labour, and to physical, emotional or sexual ill-treatment.

104. State protection for children in a situation of moral or material neglect, homeless or unsupervised children, children who live from begging or charity (art. 221) is provided by the Directorate-General for the Protection of Juveniles, which has a register of over 74 residential institutions of various kinds for minors, and which are periodically inspected by its Social Service Department. Guardianship and correctional juvenile courts provide minors in these circumstances with assistance on a continuing basis by ordering their temporary placement in the National Children's Home or in other institutions whose statutes authorize them to take in minors at risk.

105. The juvenile guardianship magistrate is responsible for awarding minors for adoption. Adoption is a serious problem in Paraguay. For a number of years, so-called "international" adoptions have given rise to bitter controversy. Paraguayan legislation makes no specific provision for simple or full adoption of Paraguayan minors by foreign adoptive parents resident abroad. The ruling adopted by the Supreme Court (No. 22), abrogated pursuant

to the adoption of Act 57/90 by another ruling No. 45/90, temporarily suspended the adoption of minors by foreigners living abroad, although it remained possible for those living in Paraguay.

106. Paraguayan minors adopted by foreigners resident abroad may leave Paraguay after the completion of the adoption procedures in accordance with the provisions of Act 903/81, Juvenile Code, once the final ruling and other documentation have been legalized, the minor has been registered under the name of his adoptive parents and permission has been obtained from both the respective court and the Directorate-General for the Protection of Juveniles. The Adoption and Family Placement Office interviews the applicants, carries out the requisite psycho-sociological investigation and draws up the waiting list. The juvenile guardianship courts supervise the adoption process; both bodies currently give preference to adoptions by Paraguayans.

107. The responsibility for approving the accommodation for minors awaiting adoption, which generally take between 8 and 10 children, lies with the Department of Juvenile Affairs, subject to investigation of conditions.

108. As Paraguay has signed no bilateral or multilateral agreements on adoption, it is difficult to control the so-called international adoptions and the periodic report from adoptive parents is entirely voluntary.

109. Cases of the unlawful transfer and detention of minors have recently come to light in Paraguay. Individuals involved in the so-called "baby traffic" are in the hands of the ordinary courts. As far as complaints concerning disappearances, abductions, theft, and unlawful detention of minors are concerned, the Criminal Investigation Department of the Metropolitan Police has opened a complaints office.

110. As a rule, there are no statistical records providing exhaustive and up-to-date information on the number of homeless children or children suffering from abuse or neglect. Such statistics as do exist are unreliable or are dispersed in various departments. The Directorate-General for the Protection of Juveniles is required, pursuant to article 318 of the Juvenile Code, to provide assistance to all minors in such circumstances, and to report and prosecute anyone who violates the physical and moral integrity of minors.

111. The Directorate-General for the Protection of Minors and other bodies receive complaints concerning ill-treatment and sexual abuse of minors. The "Primeros Auxilios" (First Aid) health centre and the health centre of the Ministry of Public Health and Social Welfare receive and carry out clinical diagnoses of cases involving ill-treatment and abuse. All Paraguay's police departments and in particular the Family Department of the Metropolitan Police receive complaints concerning abuse of minors, as do the Human Rights Commission of the Chamber of Deputies and the Juvenile Courts.

112. The National Campaign for the Prevention of Abuse and Ill-treatment, involving a number of organizations was launched under government auspices, and through the Family Department of the Metropolitan Police. Also under government auspices a number of centres receive complaints or provide technical, legal and psychological assistance to the victims of abuse or ill-treatment. The Centre for the Protection of Minors, the "25 de Noviembre"

women's group, the Tecoyoya Foundation and other organizations fulfil the same role. The Government has made no provision for the physical and psychological rehabilitation or for the reintegration into society of minors who have suffered abuse or ill-treatment.

113. No official or private agency has a consolidated and detailed register that provides information, on the basis of age, sex, ethnic or national origin, rural or urban background, on the number of children in the following categories:

(a) Homeless children;

(b) Child victims of abuse taken into care;

(c) Children placed in foster homes or in institutions providing care;

(d) Children adopted in Paraguay;

(e) Children who leave the country in accordance with international adoption procedures.

114. It is not the usual practice to make periodic inspections of the conditions of care. However, the guardianship and correctional courts may request inspections in the case of minors under their jurisdiction.

VI. BASIC HEALTH AND WELFARE

115. On the basis of data from the Ministry of Public Health and Social Welfare's Department of Biostatistics, 8.5 per cent of the population aged between 10 and 19 die from infectious or parasitic disease. According to data from the Ministry, the main five causes of mortality among minors aged from one to four are pneumonia, diarrhoea, meningitis, undernutrition and anaemia. The infant mortality rate is 40 per 1,000 live births. Mortality among children aged under one is still extremely high and is attributable to the following causes: injuries caused during delivery, diarrhoea, congenital pneumonia, septicaemia, neonatal infections, undernutrition and anaemia, meningitis and tetanus.

116. Although the Ministry of Public Health and Social Welfare has given priority to mother and child care, there are still difficulties in providing a country-wide coverage. A total of 63.4 per cent of Paraguay's population is registered with the various departments of the Ministry of Public Health, although no data are available on the percentage of the population with actual effective access to the Ministry's services. A number of health centres possess mother and child units, although the lack of a children's hospital is responsible for the dispersal of departments, and for a level of care that depends on the means, professional capacity and infrastructure of each health unit.

117. As regards social security, mention should be made of the services provided by the Social Security Institute and its various regional centres, although users frequently complain of the inadequacy of its services.

118. Data for 1990, provided by the Department of Special Education of the Ministry of Education and Worship Statistics and Census Division, estimate that 444,771 individuals, i.e. 10.4 per cent of Paraguay's population, suffered from some type of disability. A total of 225,227 of them were aged under 20. There is a Department of Special Education, INPRO, which is an official agency providing medical and social assistance to disabled persons, together with various private organizations, some of them subsidized, which provide assistance in the fields of health, education and work. These institutions' coverage is limited to the capital and the major urban centres, as a result of which disabled persons who live in Paraguay's interior lack access to services and programmes providing comprehensive care.

119. Useful work is being conducted in the following areas:

(a) The policy of decentralization pursued by the Ministry of Public Health and Social Welfare, which has led to a substantial improvement of its services;

(b) The Expanded Programme on Immunization and Control of Acute Diarrhoeic Illness (ACI) has been the programme with greatest impact, firstly on account of its coverage and secondly because diarrhoeic diseases are no longer the prime cause of infant mortality and of mortality among children aged under five. The dissemination of oral dehydration therapy (ORT) is also worthy of note;

(c) Organizations belonging to the Catholic Church's social mission have developed their capacity for sustainable self-management in the fields of infant and maternal health. The Ministries of Health and of Education have also focused their strategy on voluntary workers;

(d) The National Plan of Action for Children has analysed and identified specific measures to which priority is to be given in the period 1993-2000:

Antenatal examination;

Improving hospital care;

Training in oral rehydration therapy;

Information and training in nutritional education;

Improvement of the coverage provided by services;

Greater vaccination coverage;

Overall improvement of housing;

Treatment for acute respiratory infections (ARI);

Nutritional education;

(e) The Human Development Programme, whose purpose is to improve the living conditions of the most needy sectors of the population, and particularly children. The strategy is part of UNDP's human development objective. Over 1 million school-age children have had access to food supplements and 1,000 women's committees have been organized which have formed a national network. The main results forecast are a reduction in the incidence of goitre and an improvement in the rates of enrolment and the school drop-out rate;

(f) The Mother and Child Department, together with non-governmental organizations, will implement the Ministry of Public Health and Social Welfare's Mother and Child Programme. This programme, which was recently approved by UNFPA for 1993-1996, will provide national coverage;

(g) Food aid for vulnerable groups: with the cooperation of the World Food Programme, the Ministries of Health and Education are implementing a programme to provide nutritional complements for pregnant women, lactating mothers and children of school and pre-school age during 1991-1994;

(h) Food and nutrition (1991-1994);

(i) The Pan-American Health Organization's 1991-1994 Programme of Support for the Health Sector, which includes:

Institutional enhancement;

Development of the food and nutrition monitoring system;

Prevention and monitoring of specific nutritional deficiencies (iron, iodine, vitamin A);

Strengthening food and nutritional programmes;

Monitoring and/or eliminating preventable diseases;

(j) PAHO's programme of support for the health sector to identify measures to:

Consolidate the eradication of the polio virus;

Eliminate measles and neonatal tetanus;

Improve mother and child health (1991-1994);

(k) PAHO health sector programme to improve coverage of ante-, peri- and postnatal care and family planning (1991-1994).

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

120. The current National Constitution guarantees free education and stipulates that primary education is compulsory. However, in present social conditions it is impossible to enforce this constitutional guarantee, on account of the high cost of living. The impossibility of sending children to

school is apparent in the illiteracy rate among children aged from 10 to 14, which is 12.5 per cent in urban areas and 24.6 per cent in rural areas.

121. According to the 1991 yearbook of the Ministry of Education and Religious Affairs, there was no variation in the school drop-out rate between 1989-90 and 1990-91 and the wastage index (pupils repeating a year, drop-outs and deceased pupils) was 51.3 per cent in the period 1985-90.

A. Basic education

122. Pre-primary school includes the day-care programmes, kindergartens, Mita-í Roga (children's home) and pre-school. The State finances the pre-school and Mita-í Roga systems at the rate of 53 per cent and 100 per cent respectively, while the private sector provides 83 per cent and 91 per cent of funds for the day-care centres and kindergartens. Pre-primary education is heavily concentrated in towns (76 per cent). Only 24 per cent of places are in rural areas.

123. A total of 735,875 children, i.e. 112 per cent, are enrolled in primary education (7-12). This indicates that many children beyond primary-school age are enrolled, i.e. children who enter school late or who repeat a school year. Rural areas account for 55 per cent of the total enrolment and urban areas 45 per cent. The State sector accounts for 86 per cent of enrolment and the private for 14 per cent (data provided by the Department of Primary Education of the Ministry of Education and Worship).

124. There are 4,691 primary school establishments, 77 per cent of which cover the full curriculum and 29 per cent part of the curriculum. A total of 76.5 per cent of schoolteachers are qualified and 16 per cent are graduates.

125. The percentage of pupils who repeat a year is 85 per cent. The retention rate is low, 51 per cent in 1991, while at the national level it is 48 per cent. The percentage of pupils who repeat a year fell by 8.8 per cent between 1988 and 1990. The number of pupils who abandon school also fell from 5 to 3 per cent. The number of children who give up their studies is gradually declining, and fell from 3.8 per cent to 3.2 per cent in 1990. Over the last six years the retention rate has reached the level of 51 per cent set by the Department of Primary Education as its target.

B. Human resources

126. The 76.5 per cent of teachers who have received teacher training are graduates of teacher-training colleges, teacher-training institutes, of the Higher Institute of Education or of other training centres for graduates, while 23.5 per cent have no teacher training. A total of 31,902 posts are filled by 18,976 teachers. A total of 65 per cent of primary school headships are located in urban areas and 35 per cent in rural areas; 95 per cent of them are filled by qualified staff.

127. Paraguay's primary education is characterized by its low rate of achievement, whose immediate cause is the number of pupils who repeat years. The underlying causes are the dichotomy between the primary level curriculum

and the actual living conditions of the pupils and their families, the critical economic situation which compels children to work on smallholdings or in the streets; difficulties of access to school and the distance between homes and schools in rural areas, malnutrition, the high price of school uniforms, textbooks, etc. The structural causes are the inappropriate curriculum, economic pressure deriving from the struggle for survival of pupils from poor families in rural and marginal areas, dispersal of the population, etc. The fundamental causes include limited human resources, shortcomings of the curriculum, the low pay of teachers, insufficient teacher-training centres, the lack of funds to purchase textbooks, teaching material and equipment.

C. Educational reform

128. One of the priorities of the educational reform put forward by the Ministry of Education and Worship is a substantial improvement in all levels of education. Regionalization and decentralization are proposed in order to rationalize and improve technical and administrative processes and decisions for resolving the problems of repetition, drop-out and other factors that undermine the educational system. In the educational sphere, the National Plan of Action for Children focuses on consolidating and developing basic education for all, comprising the pre-primary, primary and special primary levels as well as literacy courses and adult education. Cooperation programmes are designed:

(a) To support the formulation of education policy;

(b) To provide support for the preparation of course material;

(c) To provide teacher-training and performance monitoring;

(d) To support the production, printing and distribution of material.

D. Leisure

129. The Secretariat for Children and Adolescents of Asunción Municipality is responsible for organizing leisure, recreational, cultural activities and entertainment for children. Recreational and cultural activities are also organized by non-governmental organizations, in some cases with official support.

VIII. SPECIAL PROTECTION MEASURES

130. A proportion of the 40.4 per cent of children aged between 0 and 14 are particularly disadvantaged or at risk, and require special and urgent attention on the part of the State. As an initial estimate, there are some 40,000 children in such circumstances. This category is also described as "children in particularly difficult circumstances".

A. Children in conflict with the law

131. State-supported institutions that take in juveniles who are in conflict with the law or who have been neglected lack the infrastructure and human

resources necessary to ensure their comprehensive development or to assure their full reintegration into society once they leave the institution.

132. The "María Reina" Institute for Rehabilitation deals with adolescent girls in conflict with the law or who are at risk. It accommodates minors, 50 per cent of whom are interned for theft or pilfering. The children receive more individual care and recidivism is rare.

133. The police stations specialized in dealing with women (Comisarías de Mujeres) operate, in a manner of speaking, as a hostel which seeks to provide temporary accommodation for adolescent girls who are incarcerated and to refer them, after specialized diagnosis, to existing organizations and services dealing with their particular problems.

134. Sexually exploited minors (engaged in prostitution) are incarcerated and temporarily isolated by the police in order to remove them from their former occupation; unfortunately, they are subsequently sent back to the streets, as there are no alternatives of integration into work or a family to enable them to give up their habitual occupation.

135. The specialized police station for men (police station No. 17) operates on virtually the same lines as the specialized police station for women.

136. With the exception of a number of isolated initiatives, there is no plan, as provided for in prison legislation and other legal instruments, for the social reintegration of detainees after their release, or for the physical and psychological rehabilitation of ill-treated or sexually abused juveniles.

137. The establishment of the Technical Criminology Department and of the Comprehensive Plan for diagnosis, classification and treatment of the Directorate-General of Penal Institutions were approved in September 1992 by decision No. 21/92. The Department comprises an interdisciplinary group and will initiate the classification of detainees in order to provide them with treatment while in prison for the purpose of reinsertion after their release.

138. The Panchito López Institute's legal assistance programme for young offenders, which has been conducted by legal advisers of the Directorate-General for Human Rights since August 1991, is designed to provide legal assistance for juveniles in a situation of critical poverty.

139. Title II, Book III, article 20 of the Juvenile Code refers to neglected minors and minors at risk in the following terms:

> "Whenever the Juvenile Magistrate has cognizance of minors aged under 20 in a state of material or moral neglect or who are in danger he shall undertake the appropriate investigation, obtain the requisite reports and take suitable measures to protect them.
>
> Minors shall be considered as in danger whenever they are induced to lead a life that is at variance with morality; this shall include prostitution."

140. Neglected minors or minors in danger shall be the responsibility of the Minors' Guardianship Courts, which are required, under article 227, paragraphs I and J, to assume jurisdiction over and settle:

> "Matters relating to the protection of neglected minors or minors in danger, in accordance with this Code, with the exception of those cases involving minors in danger which are the responsibility of the Correctional Court ... and,
>
> To adopt whatever measures and arrangements it deems necessary for the benefit of such minors."

or of the Juvenile Magistrate for Correctional Cases, pursuant to article 231, paragraphs C and D, which is required:

> "To investigate and hear matters relating to the protection of minors in danger, pursuant to this Code ... and,
>
> To order minors subject to correctional jurisdiction to be placed under the authority of their parents, to order their internment in specialized establishments or foster homes or to adopt in their regard any other measures provided for by this Code."

B. Children in situations of exploitation

141. Minors aged over 12 employed in the formal sector are protected by the Labour Code. Accordingly, they are entitled to certain benefits which extend to all workers. However, there is no official register of them, as provided for by the Juvenile Code; this is the responsibility of the Directorate-General for the Protection of Juveniles.

142. It is estimated that at least 15,000 minors, from approximately 7,000 families are employed in the informal sector in Gran Asunción; their ages vary from 8 to 16, 88 per cent of them are male and 12 per cent female. A total of 54 per cent are from poor families that live in shanty towns and in 62 per cent of cases their families have neither a fixed nor a guaranteed income. Some 33 per cent of these minors in Gran Asunción do not attend school and a high percentage (96 per cent) live with their parents, with one of their parents or with their relatives.

143. Street children are adolescent boys or girls who live mainly in the street, and for whom the street is the essential factor in their growth and development. Of the minors who work in the street, 2 per cent are street children. This category of minors engages in temporary employment, depending on circumstances. Approximately 60 per cent of street children have at some time been detained by the police.

144. Victims of ill-treatment and sexual abuse are to be found in all spheres of society, although those cases that give rise to complaints are linked to socio-economic problems, such as unemployment or alcoholism. In most cases the perpetrators are stepfathers, stepmothers, uncles or aunts and even the

parents themselves. Although there are no reliable records, approximately 16 complaints of ill-treatment or sexual abuse are lodged each day, i.e. approximately 4,000 cases per year.

145. It is not known exactly how many minors are accommodated in institutions on various grounds. There are 74 institutions accommodating minors, which are registered and supervised by the Directorate-General for the Protection of Juveniles. The Juvenile Guardianship and Correctional Magistrates occasionally request periodic inspections of the conditions of internment.

146. There is no clear evidence, but only the results of sporadic investigation by the police, of the sale, traffic and kidnapping of children; there is no systematic record of complaints, although investigations have been made into all the complaints filed.

147. There are 17 ethnic groups in Paraguay, belonging to 5 linguistic families. As a result of the promulgation of Act No. 904/81, known as the "Indigenous Communities Statute", the right of the indigenous population to private property has been recognized. According to the 1982 National Census of the Indigenous Population, of the 29,437 children of school age, 33 per cent (9,732 children) had attended primary school and 173 children (0.58 per cent) secondary school. The percentage that went on to university is not known. Indigenous children and adolescents take part in the life of their community, in accordance with the habits and customs of their people's culture.

148. Article 332 of the Penal Code has been amended as follows:

> "A procurer who promotes or facilitates corruption to satisfy the sexual desires of another person shall be liable:
>
> 1. To between 3 and 6 years' rigorous imprisonment, if the victim is aged under 12.
>
> 2. To between 2 and 4 years' rigorous imprisonment, if the victim is aged between 12 and 15.
>
> 3. To between 2 and 3 years' rigorous imprisonment if the victim is aged between 15 and 20."

149. Article 323 of the Penal Code has been amended as follows: "Anyone who without encouraging prostitution or corruption, facilitates it, shall be punished by half the sentences laid down in the previous article, even if the person concerned consents."

150. Article 7 of the Penal Code stipulates: "The trade, traffic or transfer of adult women from one country to another for the purpose of prostitution, even with their consent, and procurement or recruitment for prostitution shall be punished by from four to eight years' rigorous imprisonment. If the persons concerned are minors, the penalty shall be double."

151. The Family Department of Metropolitan Police is implementing a programme in the spheres of prevention, coordination of institutional measures and assistance for young offenders, which embraces therapeutic care, legal aid and research.

152. The National Campaign for the Prevention of Physical and Sexual Abuse was declared to be of national interest by Executive Decree No. 7743. The objectives of the campaign were the following: to develop awareness among the population of the scale of the problem, to educate it as to the possible causes, to provide information on the forms taken by abuse and to offer specific alternative means of prevention and to publicize public or private institutions providing legal and psychological support.

153. The Department of Social Welfare of the Ministry of Public Health and Social Welfare has recently initiated a programme to provide psychological and social assistance for minors.

154. The programme of sectoral support for minors in particularly difficult circumstances, which is part of the National Plan of Action for Children, covers minors who fall into the following categories:

(a) Children fending for themselves;

(b) Street children;

(c) Minors who are the victims of ill-treatment and neglect;

(d) Minors in institutional care;

(e) Minors affected by natural disasters;

(f) Minors in specific need of preventive care;

(g) Programme for children.

C. Disabled minors

155. The Constitution contains guarantees to protect the dignity of the disabled.

156. The Department of Special Education fosters and monitors effective access to education and training and to rehabilitation services, through numerous private and public agencies active in this sphere.

157. The National Institute for the Protection of Persons with Special Needs provides free assistance in respect of health and rehabilitation.

158. Efforts in various spheres by disabled persons themselves have made it possible for them to participate in national life. They are represented on the Municipal Council of Asunción, through which they are engaged in efforts to improve health services, to provide job training and to eliminate architectural hurdles, to promote social integration, including the cultural development of handicapped persons.

IX. GENERAL CONSIDERATIONS

159. With the inception of the transition to democracy, the constitutional authorities have requested and obtained assistance from the United Nations in the sphere of human rights. Thus, the Centre for Human Rights, the United Nations Development Programme and the Government have entered into an agreement to promote and protect human rights, whose objective is to promote all the international human rights instruments ratified by Paraguay. Various activities have been organized, including the International Comparative Symposium for a Constitutional Reform, activities within the formal educational system, the production of outreach material, etc.

160. As this is an initial report, the Government of Paraguay wishes to indicate to the Committee its willingness to comply with any recommendations it may make and to undertake jointly any cooperation programme considered appropriate. The Government is aware of the problems besetting Paraguay's children and it is prepared to do everything within its power to remedy them. It is confident that the Committee will cooperate with it in this arduous task.

UNITED
NATIONS

CRC

Convention on the Rights of the Child

Distr.
GENERAL

CRC/C/3/Add.23
3 November 1993

Original: ENGLISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

PHILIPPINES

[21 September 1993]

GE.93-19347 (E)

CONTENTS

		Paragraphs	Page
I.	GENERAL MEASURES OF IMPLEMENTATION	1 - 26	8
	A. Basic legislative measures relative to children	1 - 10	8
	B. Measures taken to harmonize national law and policy with the provisions of the Convention	11 - 13	13
	C. The Philippine Plan of Action for Children	14 - 16	14
	D. Mechanism for coordinating and monitoring implementation of the Convention	17 - 19	16
	E. Measures taken to make the principles and provisions of the Convention widely known	20 - 26	16
II.	DEFINITION OF THE CHILD	27 - 36	17
III.	GENERAL PRINCIPLES	37 - 53	18
	A. Non-discrimination	37 - 43	18
	B. Best interest of the child	44 - 45	19
	C. Right to life, survival and development	46 - 50	19
	D. Respect for the views of the child	51 - 53	20
IV.	CIVIL RIGHTS AND FREEDOM	54 - 86	20
	A. Right to name and nationality	54 - 64	20
	B. Preservation of identity, nationality and family relations	65 - 67	22
	C. Freedom of expression	68 - 71	23
	D. Freedom of thought, conscience and religion	72 - 73	23
	E. Freedom of association and peaceful assembly	74 - 76	23
	F. Right to protection of privacy	77 - 81	24
	G. Access to appropriate information	82 - 84	24
	H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment	85 - 86	25
V.	FAMILY ENVIRONMENT AND ALTERNATIVE CARE	87 - 124	25
	A. Parental guidance and responsibilities	87 - 101	25
	B. Children deprived of a family environment, adoption and periodic review of placement	102 - 114	27
	C. Illicit transfer and non-return	115	29
	D. Abuse and neglect	116 - 124	29
VI.	BASIC HEALTH, NUTRITION AND WELFARE	125 - 166	31
	A. Survival and development	125 - 144	31
	B. Social security and child-care service and facilities	145 - 149	34
	C. Disabled children	150 - 161	35
	D. Standard of living	162 - 166	37

CONTENTS (continued)

	Paragraphs	Page
VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES	167 - 191	37
A. Education, including vocational training and guidance/aims of education	167 - 184	37
B. Leisure and cultural activities	185 - 191	40
VIII. SPECIAL PROTECTION MEASURES	192 - 256	42
A. Children in situations of emergency	192 - 210	42
B. Children in conflict with the law	211 - 221	45
C. Children in situations of exploitation, including physical and psychological recovery and social reintegration	222 - 251	47
D. Children belonging to indigenous groups	252 - 256	52
IX. CONCLUSIONS AND FUTURE DIRECTIONS	257 - 269	53

FIGURES

1. Map of the Philippines 5
2. Organizational Chart of the Council for the Welfare of Children . . 13

TABLES

1. Child population in the Philippines, by sex and age group (million), 1990 6
2. Selected basic services for children by area of child's rights, 1990 6
3. Philippine laws of general application and those specifically for children, 1992 10
4. Laws enacted since Philippine ratification of the Convention on the Rights of the Child 14
5. Situation of children in the Philippines, selected indicators, 1980, 1985, 1990 15
6. Beneficiaries served by selected alternative family care services, 1990-1992 26
7. Number of children served by intervention and rural-urban classification, Philippines, 1990-1991 28
8. Proportion of Filipino children, 0-1 year old, immunized against six immunizable diseases (per cent), 1990-1992 32
9. Selected indicators of delivery of early childhood care and development services, 1991 38
10. Occupations classified as hazardous, by occupational grouping, 1992 48
11. Selected PPAC target goals, by area of child's rights for the year 2000 55

ANNEXES*

A. Philippine laws cited in the initial report on the implementation of the Convention on the Rights of the Child

B. International instruments in force in the Philippines with relevance to human rights, 1992

C. International instruments in force in the Philippines with relevance to special protection measures, 1992

D. Excerpts from selected Philippine laws

E. Reference documents submitted in full

1. Special Protection of Children Against Abuse, Exploitation and Discrimination Act

2. Barangay-Level Total Development and Protection Act

3. Philippine Plan of Action for Children

4. Child and Youth Welfare Code

5. Family Code

6. Philippine Constitution

---

* Available for consultation in the files of the Centre for Human Rights.

Figure 1

Map of the Philippines

Table 1. Child population in the Philippines, by sex and age group (million), 1990

Years	Number		
	Male	Female	Total
0 - 6	5.99	5.70	11.69
7 - 12	4.85	4.63	9.48
13 - 17	3.45	4.07	7.52
Total	14.29	14.40	28.69

Source: National Statistical Coordination Board.

Table 2. Selected basic services for children by area of child's rights, 1990

Area	Service
Civil rights and freedom	Birth registration
Family environment and alternative care	Adoption Foster family care Legal guardianship Residential care Planned responsible parenthood services
Basic health, nutrition and welfare	Expanded programme on immunization (BCG, DPT, Polio, Measles, Hepatitis B) Control of acute respiratory infections Under-five clinics Maternal care/safe motherhood Family planning and population education Targeted food assistance programme Mothercraft Control of communicable diseases (tuberculosis, malaria, schistosomiasis, diarrhoeal disease) Promotion of breastfeeding Micronutrient supplementation (Vitamin A, iron, iodine) Growth monitoring Supplementary feeding/food assistance Food production (BIG, animal dispersal) Income-generating projects Nutrition education (mothers' classes, TCP) Food fortification Hygiene education Provision of water facilities (deep wells, shallow wells, spring development rain/water, catchment) Provision of sanitary facilities

Table 2 (continued)

Area	Service
Education, leisure and culture	Day care centres, child-minding centres, parent education Primary education Secondary education Literacy Non-formal education Entrepreneurial skills training for youth
Special protection measures	Special social services for: - refugee children - children in situation of armed conflict - delinquent youth - youth offenders - working and street children - drug dependents - abused and exploited children - abandoned and neglected children - children in indigenous cultural communities

Source: Situation of Children and Women in the Philippines, 1992.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Basic legislative measures relative to children

1. Actions for the implementation in the Philippines of the Convention on the Rights of the Child are anchored on the Constitution. This establishes the broad general framework on child's rights and the obligations of the State towards the fulfilment of these rights.

2. The second major document on which implementation of the Convention is premised is the Child and Youth Welfare Code. The Code states in its Declaration of Policies that the child is one of the most important assets of the nation, and that every effort should be exerted to promote his welfare and enhance his opportunities for a useful and happy life. The Code preceded the Convention by 16 years. With Philippine ratification of the Convention, strengthened implementation of the provisions of the Code has now assumed greater importance and urgency.

3. Several laws have been passed of specific relevance to children in response to key provisions of the Constitution. These include the Family Code; the Barangay-Level Total Development and Protection of Children Act; the Rooming-In and Breastfeeding Act; an Act Establishing and Providing for a Free Secondary Education; and the Government Assistance to Students and Teachers in Private Education Act.

4. The Family Code of the Philippines revises the provisions of the Civil Code on marriage and family relations to make them more relevant to Filipino customs, values and ideals. This Code implements the provisions of the Constitution to strengthen marriage and family as a basic social institution and to ensure fundamental equality of men and women. Among the provisions of the Code which are of specific relevance to children are: paternity and filiation, adoption, support, parental authority, legal separation, emancipation and age of majority.

5. The Barangay-Level Total Development and Protection of Children Act provides for the establishment of a day-care centre in every barangay and the institution of a programme for total development of children 0-6 years old.

6. The Special Protection Act provides for the protection of children in especially difficult circumstances, those in situations of armed conflict, and those belonging to indigenous cultural communities. It defines and penalizes child abuse, prostitution, trafficking, and employment of children under terms other than those stipulated therein.

7. The Civil Code, the Revised Penal Code, and the Labour Code, which were all in place prior to Philippine ratification of the Convention, are three major national legislations which also serve as bases for efforts in implementing the Convention.

8. In addition to defining the rights of the child, the Child and Youth Welfare Code also defines his or her responsibilities. The Code states that every child, regardless of the circumstances of his or her birth, sex, religion, social status, political antecedents and other factors shall:

strive to lead an upright and virtuous life in accordance with the tenets of his religion, the teachings of his elders and mentors, and the bidding of a clean conscience; love, respect and obey his or her parents, cooperate with them in the strengthening of the family; extend to his brothers and sisters love, thoughtfulness and helpfulness, and endeavour with them to keep the family harmonious and united; exert his or her utmost to develop his or her potentialities for service, particularly by undergoing a formal education suited to his abilities, respect not only his or her elders but also customs and traditions of our people, the memory of the country's heroes, the duly constituted authorities, the laws of our country, and the principles and institutions of democracy; participate actively in civic affairs and in the promotion of the general welfare, and help in the observance of individual human rights, the strengthening of freedom everywhere, the fostering of cooperation among nations in the pursuit of their common aspirations for progress and prosperity, and the furtherance of world peace.

9. The Child and Youth Welfare Code created the Council for the Welfare of Children and assigned to it the task of coordinating the enforcement of all laws for the promotion of child and youth welfare. The Council is a multisectoral organization chaired by the Secretary of Social Welfare and Development. The 12-member Council includes the Secretaries of Education, Culture and Sports, Health, Labour and Employment, Justice, Interior and Local Government, and Agriculture; the Director-General of the National Economic and Development Authority; and the Executive Director of the National Nutrition Council and the Executive Director of the Council for the Welfare of Children. The private sector is represented by three Council members, at least one of whom is an active member of a legitimate youth organization.

10. The Council is entrusted with the function of formulating an integrated national policy and long-range programmes relative to the development of the general welfare, and protection of the best interests of children and youth, and monitoring and evaluating implementation thereof. In addition, it recommends to the President and other concerned agencies implementation on a nationwide scale of innovative pilot programmes and services for children and youth. The Council is authorized to call upon any public, private or voluntary entity for assistance in the performance of its functions.

Table 3. Philippine laws of general application and those specifically for children, 1992

Area/Right		Law of general application				Law specifically for children			
		Constitution	Civil Code/ Revised Penal Code	Labour Code	Child- and Youth Welfare Code	Family Code	Special Protection Act	Day Care Law	Others*
CIVIL RIGHTS AND FREEDOM									
A.	Right to name and nationality	+	+		+			+	
B.	Preservation of identity, nationality and family relations	+	+		+	+	+		
C.	Freedom of expression	+	+						
D.	Freedom of thought, conscience and religion	+	+						
E.	Freedom of association and peaceful assembly	+	+		+				
F.	Right to protection of privacy	+	+		+		+		
G.	Access to appropriate information	+			+				
H.	Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment	+	+			+	+		

Table 3 (continued)

Area/right	Law of general application				Law specifically for children			
	Consti-tution	Civil Code/ Revised Penal Code	Labour Code	Child and Youth Welfare Code	Family Code	Special Protec-tion Act	Day Care Law	Others*
FAMILY ENVIRONMENT AND ALTERNATIVE CARE								
A. Parental guidance and responsibilities	+			+	+	+	+	
B. Children deprived of a family environment, adoption and periodic review	+			+	+	+		
C. Illicit transfer and non-return						+		
D. Abuse and neglect	+			+		+	+	
BASIC HEALTH AND WELFARE								
A. Survival and development/health and health services	+			+			+	2.6
B. Social security and child care services							+	
C. Disabled children					+			5
D. Standard of living					+	+		
EDUCATION, LEISURE AND CULTURAL ACTIVITIES								
A. Education including vocational training and guidance/aims of education	+			+				3.4
B. Leisure and cultural activities				+				

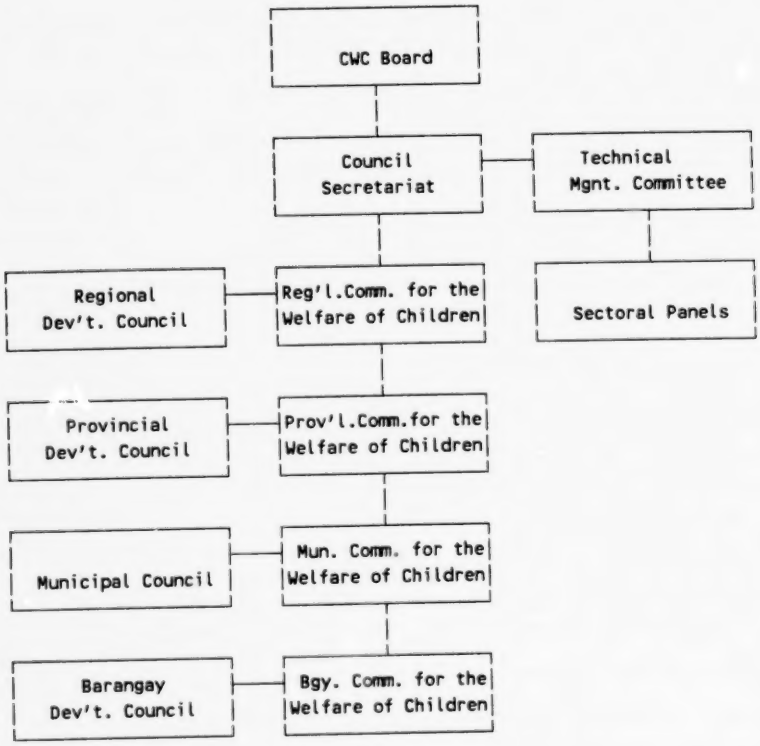
Table 3 (concluded)

Area/Right	Law of general application				Law specifically for children			
	Consti-tution	Civil Code/ Revised Penal Code	Labour Code	Child- and Youth Welfare Code	Family Code	Special Protec-tion Act	Day Care Law	Other*
SPECIAL PROTECTION AND MEASURES								
A. Children in situations of emergency, including refugee children and children in situations of armed conflict								
B. Children in conflict with the law				+				
C. Children in situations of exploitation including physical and psychological recovery and social reintegration								
Economic exploitation including child labour, drug abuse, sexual exploitation and abuse, sale, trafficking and abduction		+	+	+		+ + +		1
D. Children belonging to indigenous groups						+		

Source: Council for the Welfare of Children, 1993
Excerpts of Laws

* 1. Dangerous Drug Act of 1972
2. Generic Act of 1988
3. Free Public Secondary Education Act of 1988
4. Government Assistance to Student and Teacher in Public Education of 1989
5. Magna Carta for Disabled Person of 1992
6. Rooming-In and Breastfeeding Act of 1992

Fig. 2. Organizational chart of the Council for the Welfare of Children



B. Measures taken to harmonize national law and policy with the provisions of the Convention

11. In anticipation of the ratification of the Convention on the Rights of the Child, the National Economic and Development Authority conducted a review of existing legislations and policy statements on child survival, development and protection. This resulted in an inventory of all child-related policies and to the identification of gaps when seen against each of the provisions of the Convention. The review revealed that there were no national legislations at that time on family reunification; illicit transfer and non-return of children; refugee children; children of minorities or indigenous communities; sale, trafficking and abduction; other forms of exploitation; torture and deprivation of liberty; protection and care of children affected by armed conflict; recovery and social reintegration of child-victims of armed conflict; and intercountry adoption.

12. Shortly after ratification of the Convention by the Philippine Government, the Council for the Welfare of Children launched a project to come up with a consolidated legislative agenda for children's rights based on an idealized implementation of the Convention. This project has proved to be a good starting point for the introduction of proposed legislations to strengthen implementation of the Convention in the Philippines.

13. Five laws specifically for upholding child's rights have been enacted since Philippine ratification of the Convention.

Table 4. Laws enacted since Philippine ratification of the Convention on the Rights of the Child

Title	Month and year enacted
Barangay-Level Total Development and Protection Act	November 1990
An Act Providing for the Rehabilitation, Self-Development and Self-Reliance of Disabled Persons and their Integration into the Mainstream of Society and for Other Purposes	March 1992
Rooming-In and Breastfeeding Act	June 1992
An Act Providing for Stronger Deterrence and Special Protection Against Child Abuse, Exploitation and Discrimination, Providing Penalties for its Violation and for Other Purposes	June 1992
An Act Integrating Drug Prevention and Control in the Intermediate and Secondary Curriculum as well as in the Non-Formal, Informal and Indigenous Learning System	July 1992

Source: Council for the Welfare of Children, 1993

C. The Philippine Plan of Action for Children

14. Soon after Philippine ratification of the Convention on the Rights of the Child, the World Declaration on the Survival, Protection and Development of Children was adopted in the Philippines. On the same day, the framework for the National Plan for Children was launched and a Presidential Proclamation was issued providing for the adoption and implementation of the short-term National Plan for Children for 1990-1992.

15. By mid-1991, the Philippine Plan of Action for Children entitled "The Filipino Children: 2000 and Beyond" was formulated, updating the earlier Plan and explicitly incorporating therein measures for the implementation of the Convention on the Rights of the Child and its five areas of concern: civil rights and freedom; family environment and alternative care; basic health and welfare; education, leisure and cultural activities; and special protection measures.

16. The PPAC, as the new Plan is popularly called, begins with an articulation of the country's vision for Filipino children in the year 2000. The PPAC policies, programmes, goals and targets were established based on an assessment of the situation of children in 1990. The PPAC presents the strategic roles of the State, community, family and the children themselves in working towards the vision. This comprehensive plan serves as the framework

for all efforts of the Government and the various sectors in their work for children. The Plan contains a total of 34 goals and targets covering the five main areas of child rights. PPAC will be implemented at all levels, national and local. It will be periodically updated. Annual operational plans will be prepared taking into account inputs from the PPAC monitoring system.

Table 5. Situation of children in the Philippines, selected indicators, 1980, 1985, 1990

Concern	1980	1985	1990
Foetal mortality rate (per 1 000 live births)	9.6	6.2	7.3 a/
Infant mortality rate (per 1 000 live births)	57.0	63.0	57.0
Child mortality rate (per 1 000 population)	5.9	6.8	3.6
Per cent underweight, b/ 0-6 years (below 75% of standard weight-for-age)	17.2	17.7	13.9
Per cent wasted, 0-6 years (below 85% of standard weight-for-height)	13.8	9.5	12.7
Per cent stunted, 0-6 years (below 90% of standard height-for-age)	20.6	12.0	11.6
Participation rate c/			
Elementary	87.9	88.9	84.81
Cohort survival rate			
Elementary	65.7	65.5	69.7
Secondary	73.9	73.0	76.4
Per cent of households with safe water	58.0	71.4	80.1
Per cent of households with sanitary toilet facilities	48.8	67.9	69.6
Maternal mortality rate	1.1	1.04	0.80
Adult literacy rate	82.7	-	93.5

Sources: Situation of Children and Women in the Philippines, 1992
National Statistical Coordination Board
National Statistics Office
Department of Health
Department of Education, Culture and Sports
Food and Nutrition Research Institute - Department of Science and Technology

a/ Figure is for 1989.
b/ Nutrition figures are for 1982, 1987, 1989/90.
c/ Education figures are for SY 1980-81, 1985-86, 1990-91.

D. Mechanisms for coordinating and monitoring implementation of the Convention

17. The Council for the Welfare of Children will be the principal mechanism for coordinating and monitoring implementation of the Convention in the Philippines. For this purpose, the Council will utilize the monitoring system which will be set up in line with the PPAC. The Council will coordinate with all agencies, both government and non-governmental, towards ensuring implementation of the Convention and monitoring progress thereof. The Council will also work closely with the Commission on Human Rights.

18. The monitoring system for both the PPAC and the Convention will operate at the national and sub-national levels, all the way down to the barangays. This system will link into the agency monitoring systems of the sectoral Departments. The existing community-based child monitoring system which was developed by the National Statistical Coordination Board, will provide the basic framework for the system. At sub-national levels, the system will utilize existing planning and implementation structures, particularly the local development councils.

19. The system will produce regular reports on the progress in the enforcement of law, the implementation of programmes and the situation of children. It will also serve to identify policy gaps and sectoral, programme and project concerns.

E. Measures taken to make the principles and provisions of the Convention widely known

20. Even prior to Philippine ratification of the Convention, a massive information campaign on the Convention was launched in the Philippines. Initial efforts were coordinated by the inter-agency National Task Force on Social Mobilization, based in the Council for the Welfare of Children. A song on children's rights entitled "Here I Am Your Child" was composed. The song was aired over the mass media and was taught in all public elementary schools.

21. In the early part of 1989, a series of intersectoral round table discussions at the national level were held to give participants an initial orientation on the Convention. At that time, the dissemination scheme was directed towards generating support for the ratification of the draft Convention. The draft Convention was disseminated to local governmental officials, media, church groups, professional associations, non-governmental organizations, children and other potential co-advocates. These information campaigns were supported by the distribution of copies of the draft Convention, photo exhibits, hearings, briefings and press releases, radio and television programmes.

22. Campaigns at the grass-roots level were undertaken by non-governmental organizations with community volunteers as core advocates.

23. With the adoption of the Convention by the United Nations General Assembly, information campaigns on the Convention were intensified. This time, advocacy and social mobilization activities focused on the implementation of the Convention. Three months prior to Philippine

ratification of the Convention the Council for the Welfare of Children spearheaded a National Consultation Workshop which was attended by more than 70 representatives from national and sub-national agencies. These came up with their respective plans of action for promoting implementation of the Convention.

24. Since Philippine ratification of the Convention, and through the formulation, proclamation and start of implementation of the PPAC, messages on the Convention were carried in advocacy efforts on behalf of the PPAC. These arrangements continue.

25. Some examples of ongoing efforts to make the Convention widely known are those of the Department of Education, Culture and Sports which has developed instructional materials for teaching children's rights; the Presidential Commission on Youth Affairs which is conducting information campaigns geared towards the education of the youth on the rights of the child through the local youth councils and federations; and the Pag-asa Youth Movement, an organization for the development of out-of-school youths which has integrated provisions of the Convention into the Movements' Meeting Guide.

26. Part of the continuing advocacy for promoting implementation of the Convention will be efforts to make this initial report available to the public at large. Shortly after its submission, the Council for the Welfare of Children will initiate briefings and discussions on the major findings and conclusions of the report. A nationwide mass media campaign will be launched. The objective of these efforts will be to move the various sectors to take action along the lines mentioned in the report as implementation priorities and in general to enhance public awareness of the rights of the child and the Convention.

II. DEFINITION OF THE CHILD

27. A child is generally defined as one who is less than 18 years old.

28. The Special Protection Act expands the definition of children to include not only those persons below 18 but also those older who are unable fully to take care of themselves or protect themselves from abuse, neglect, cruelty, exploitation or discrimination because of a physical or mental disability or condition.

29. The Family Code provides that any male or female who is 18 years and above and not under any of the impediments mentioned in the Code may contract marriage. Any marriage where either party is less than 18 years old is considered null and void from the beginning even with the consent of parents or guardians.

30. The Revised Penal Code specifies the cut-off age for statutory rape as less than 12 years of age wherein elements of force or intimidation and consent need not be present. Sexual abuses committed against those 12 years old and above shall be considered as rape only when all these elements are present.

31. For a person to qualify for enlistment in the regular force of the Armed Forces of the Philippines, he or she should not be less than 18 years old.

32. No minimum age has been set for giving testimony in court. If a child is to testify in court, he or she should be able to express himself or herself, act with discernment and be physically and mentally capable of handling the rigors of the court proceedings.

33. No age is specified as to when elementary education should be completed. However, elementary education is usually completed at around 12 years of age.

34. The Labour Code sets the employable age at 15 years old. Children less than 15 years old may be allowed to work under the direct responsibility of their parents or guardians in any non-hazardous undertaking where the work will not in any way interfere with their schooling.

35. The Child and Youth Welfare Code defines a youthful offender as a child, minor or youth, including one who is emancipated in accordance with the law, who is over 9 years old but under 18 years old at the time of the commission of the offence.

36. There is no national law establishing a minimum age with regard to consumption of alcohol and other controlled substances. However, there are local ordinances being implemented at the city and municipal level prohibiting children from purchasing or drinking any alcoholic beverages.

III. GENERAL PRINCIPLES

A. Non-discrimination

37. The principle of non-discrimination is embodied in the Child and Youth Welfare Code which provides that all children shall be entitled to the rights set forth in the Code without distinction as to their legitimacy or illegitimacy, sex, social status, religion, political antecedents, or any other factor.

38. This same principle is upheld in the Special Protection Act. This Act declares that it is a policy of the State to provide special protection to children from all forms of abuse, neglect, cruelty, exploitation and discrimination, and other conditions prejudicial to their development. It provides that the State shall intervene on behalf of the child when the parent, guardian, teacher, or person having care or custody of the child fails, or is unable, to protect the child against such actions or conditions. The Act specifically provides that children of indigenous cultural communities shall not be subjected to any discrimination, and prescribes penalties for such discrimination.

39. The Family Code contains a number of provisions supportive of this principle. Specifically cited are recognition of the legitimacy of children who are born through artificial insemination and an increase in the share of illegitimate children in inheritance.

40. The Magna Carta for Disabled Persons protects the disabled, both children and adults, from discrimination. This Act provides that the State shall encourage respect for disabled persons and shall exert all efforts to remove all social, cultural, economic, environmental and attitudinal barriers that are prejudicial to them.

41. Administrative guidelines and standards have been issued which state that all programmes and services for children shall be non-discriminatory.

42. In the issuances of licences to child-caring agencies, care is undertaken to ensure that such agencies shall make their services available without regard to age, sex, colour, race, religious affiliation or ethnic group.

43. Seen as a major barrier to fully implementing this general principle is the tendency among Filipinos to keep children who have physical and mental disabilities, or are illegitimate, away from social activities to avoid and prevent disgrace to the family. Such a practice deprives children with disabilities of opportunities to pursue normal lives. Another form of discrimination which persists in certain areas of the country is the preference for male children.

B. Best interest of the child

44. The principle of best interest of the child is explicitly upheld in the Child and Youth Welfare Code which provides that in all questions regarding the care, custody, education and property of the child, his or her welfare shall be of paramount consideration.

45. Echoing the Child and Youth Welfare Code, the Special Protection of Children Act specifically states that the best interests of children shall be the paramount consideration in all actions concerning them, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, consistent with the principle of First Call for Children as enunciated in the Convention on the Rights of the Child. This principle underlies all the measures which have been set in place for promoting the welfare of children in the Philippines.

C. Right to life, survival and development

46. Among the six State Principles embodied in the Constitution is that the maintenance of peace and order, protection of life, liberty, and pursuit of the general welfare are essential for the enjoyment by all the people of the blessings of democracy. The Constitution provides that the State shall equally protect the life of the mother and of the unborn child. Hence, there is now a constitutional prohibition against induced abortion. The Revised Penal Code penalizes an individual who may inflict an abortion either intentionally or unintentionally.

47. Closely related to the preservation of life is the constitutional provision that the State shall adopt an integrated and comprehensive approach to health development. Such approach is to endeavour to make essential goods,

health and other social services available to all the people at affordable cost, with priority placed on the needs of the underprivileged, sick, disabled, women and children.

48. Under the Constitution, the State is committed to defend the right of children to assistance, including proper care and nutrition, and to special protection from all forms of neglect, abuse, cruelty, exploitation and other conditions prejudicial to their development. This general principle is upheld in the various rights presented in this report.

49. Legislations and administrative measures on adoption, foster family care, legal guardianship, residential and day-care services are intended to ensure that children whose parents cannot rear them properly, either permanently or temporarily, can be provided with alternative care so that their survival and development may be ensured.

50. The Constitution provides that the State shall promote the right of all citizens to quality education at all levels and shall take appropriate measures to make such education accessible to all.

D. Respect for the views of the child

51. The Child and Youth Welfare Code contains provisions which call for respect of the views of the child. The Code provides that a child shall have the right to choose his or her own career. Parents may give their advice on this matter but are not to impose their own choice. The Code also states that, subject to the relevant provisions of the Civil Code, a child shall have the prerogative of choosing his or her future spouse. Parents are not to force or unduly influence a child to marry a person he or she has not freely chosen.

52. The Family Code also promotes respect for the views of the child. It requires that in cases of adoption of a child who is 10 years or older, the child's consent must first be given. Likewise, the child of the adoptive parents who is 10 years or older shall give his or her consent to the adoption. In cases of legal separation, a child who is more than seven years old shall be consulted as to which parent he or she wants to stay with.

53. The inclusion of a provision in the Local Government Code for the setting up of a youth sectoral committee in each local government unit is another example of how this principle is being upheld in the country.

IV. CIVIL RIGHTS AND FREEDOM

A. Right to name and nationality

54. A child's right to a name and nationality is well recognized in the Philippines. This right is protected by the Law on Registry of Civil Status and the Civil Code. These laws require that all births shall be entered in the Civil Register Books, wherein all acts, events and judicial decrees concerning the civil status of persons are to be recorded.

55. The legal name of a Filipino child consists of a given name and a surname. The former is a matter of choice by the parents; the latter is governed by the Civil Code. A legitimate or a legitimated child uses the surname of the father; an adopted child, the surname of the adopting parent; an illegitimate child, the surname of the mother.

56. The law on civil registry requires that the registration of birth shall be based on the declaration of the physician or midwife in attendance at birth or, in default thereof, on the declaration of either parent of the newborn child. It shall state the date and hour of birth; sex and nationality of the child; names, citizenship and religion of parents or, if the father is not known, of the mother; the civil status of the parents; and the place where the child was born. In the case of an illegitimate child, the birth certificate shall be signed only by the mother.

57. In case of failure to register birth, the parents or the responsible member of the family, and the attendant at birth or the hospital or clinic administrator, shall be jointly liable. If there was no attendant at birth, or if the child was not born in a hospital or maternity clinic, the parents or the responsible member of the family shall be liable.

58. In the case of a foundling, the person who found the child shall report to the Local Civil Registrar the place, the date when found, and other attendant circumstances.

59. The Constitution defines the following as citizens of the Philippines: those who were citizens at the time the Constitution was adopted; those whose fathers or mothers are citizens of the Philippines; those born before 17 January 1973 of Filipino mothers, who elect Philippine citizenship upon reaching the age of majority; and those who are naturalized in accordance with law.

60. The Revised Naturalization Law provides that citizenship may be conferred upon an alien through the process of naturalization. An individual desiring to acquire Philippine citizenship must file a petition with the Regional Trial Court of the province or city where he or she has resided for at least one year immediately preceding the filing of the petition. Naturalization of a parent affects the citizenship of his or her minor children. A minor child who is foreign-born, dwelling in the Philippines at the time of the parent's naturalization, automatically becomes a Filipino citizen. A minor child who is foreign-born, dwelling outside the Philippines at the time of the parent's naturalization, is deemed a Filipino citizen only during his or her minority unless he or she begins to reside permanently in the Philippines while still a minor, in which case, he or she will continue to be a Filipino citizen even after attaining majority. A child who is foreign-born after naturalization of his or her parent is a Filipino citizen even if he or she resides abroad, unless he or she fails to register as a Filipino citizen one year after attaining majority.

61. The Local Government Code is expected to lead to significant improvements in the compliance with the laws on birth registration. Under the Code, every city and municipality shall have a full-time Civil Registrar. The Office of the Civil Registrar General is currently assessing the civil registration

system to ensure that civil registry structures and processes are made more effective and efficient. Registration forms have been revised in consonance with recent legislations and a new instruction manual has been prepared to guide those involved in this function. It is conducting regular training of civil registry personnel and currently instituting remedial measures to solve the problem of non-registration of births among members of cultural communities.

62. It is estimated that only about 70 per cent of total births are entered into the Civil Register Books. This is largely due to the inaccessibility of the Local Civil Registrar and in some cases, to lack of appreciation of the importance of birth registration. The Department of Health has undertaken training of midwives on their role in the proper registration of birth in a continuing basis as part of its Maternal and Child Health Programme.

63. Until 1990, the functions of the Local Civil Registrar were performed by either the municipal treasurer, the city health officer, or the city or municipal planning and development coordinator. Considering that the attention of these officials were focused on the mandatory functions of their respective offices, they were not able to manage effectively the office of the Local Civil Registrar. The Civil Registrars are dependent on information submitted to them and have no adequate facilities to verify the authenticity of the information.

64. Priority will be placed over the next five years on better supervision of registry of birth to prevent simulation of birth and to promote faithfulness of entry of information on the child.

B. Preservation of identity, nationality and family relations

65. The Civil Code provides that no person can change his name or surname without judicial authority. A change in name may be allowed only under the following circumstances: when the name is ridiculous, tainted with dishonour, or is extremely difficult to write or pronounce; when the request for change is a consequence of a change of status, such as when the natural child is acknowledged or legitimated; when the change is necessary to avoid confusion; and when justice dictates that a person should be allowed to improve his or her social standing as long as in doing so, he or she does not cause prejudice or injury to the interests of the State or of other persons. Court decrees on change of name are recorded in the Civil Register.

66. The Child and Youth Welfare Code provides that the record of a person's birth shall be kept strictly confidential, and that no information relating thereto shall be issued except on the request of the person himself or any person authorized by him or her; his or her parents, direct ascendants, or the guardian or institution legally in charge of the child; the court or the public official concerned whenever necessary in administrative, judicial or other official proceedings to determine the identity of the child's parents or other circumstances surrounding his birth.

67. Crimes against civil status, such as simulation of births, substitution of one child for another and concealment and abandonment of a legitimate child, are punishable under the Revised Penal Code.

C. Freedom of expression

68. The Constitution states in the Bill of Rights that no law shall be passed abridging the freedom of speech, of expression, of the press, or the right of people to assemble peaceably and petition the Government for redress of grievances.

69. The Local Government Code gives the child increased opportunities for exercising his or her freedom of expression. It provides for the organization of the Katipunan ng mga Kabataan (youth federation) at the provincial, city and municipal levels and the Sangguniang Kabataan (youth council) at the barangay level.

70. The First National Strayed Congress held in April 1991 gave strayed an opportunity to express their views and opinions and to bring their needs to the attention of the Government and other sectors. Concerns of strayed, such as on health, education and legal protection, were discussed at the Congress which culminated in the organization of a federation of strayed. Similar congresses were held in the regions.

71. Information campaigns on the rights and responsibilities of children in the exercise of their freedom of expression will be intensified among children, together with advocacy to enable them to express their views and opinions on matters involving their lives.

D. Freedom of thought, conscience and religion

72. The Constitution states that no law shall be made respecting the establishment of a religion, or prohibiting the free exercise thereof. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed. No religious test shall be required for the exercise of civil or political rights. The Constitution also guarantees that no person shall be detained solely by reason of his political beliefs and aspirations.

73. The Civil Code provides that any public officer or employee or private individual who obstructs, defeats, violates, or in any manner impedes or impairs the freedom of religion of another person shall be liable for damages.

E. Freedom of association and peaceful assembly

74. Freedom of association and of peaceful assembly is also upheld by the Constitution which provides that the right of the people to form unions, associations and societies not contrary to law shall not be abridged.

75. The Child and Youth Welfare Code provides that parents shall encourage the child to associate with other children of his or her own age with whom he or she can develop common interests. It also states that parents shall give the child every opportunity to form or join social, cultural, educational, recreational, civic or religious organizations or movements and other useful community activities. Under the Code, barangay councils are tasked to encourage membership in civic youth associations and to help these associations attain their objectives.

76. The Code states that working children shall have the same freedom as adults to join the collective bargaining union of their own choosing.

F. Right to protection of privacy

77. The Constitution states that the right of people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable, and no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized.

78. The privacy of communication is inviolable, except upon lawful orders of the court or when public safety or order requires otherwise as prescribed by law. The Constitution provides that any evidence obtained in violation of either of the foregoing shall be inadmissible in any proceeding.

79. The Anti-Wiretapping Act penalizes any person who, without the consent or knowledge of the parties to a conversation, listens to such conversation by means of a tape recorder or dictaphone.

80. The Special Protection Act provides that it shall be unlawful for any editor, publisher, reporter, announcer, producer or director to cause undue and sensationalized publicity of any case of violation of the Act which results in the moral degradation and suffering of the offended party.

81. The Child and Youth Welfare Code contains explicit provisions relating to the right of the child to privacy. These include the confidentiality of records of birth, adoption and of youthful offenders. Because of the provision on confidentiality of records of youthful offenders, cases filed against them need not be reflected when they apply for clearances from the Philippine National Police and the National Bureau of Investigation.

G. Access to appropriate information

82. The Child and Youth Welfare Code provides that any civic association, through the appropriate authorities, may prohibit any movie, television or radio programme offensive to the proprieties of language and behaviour of children. It is unlawful for any person below 18 years of age to enter, misrepresent or make use of any false evidence about his or her age in order to gain admission into a movie house or theatre showing a motion picture classified as restricted or for adults only. It is also unlawful for any employee of a movie house or theatre to sell to anyone below 18 years of age an admission ticket to such motion pictures. In case of doubt about the age of a person seeking admission, proof of age must be required.

83. Certain measures have been taken to provide children access to information through the mass media which would be of social, cultural and educational benefit. A notable initiative taken by the private sector is the organization of the Philippine Board of Books for Young People which is affiliated with the Zurich-based International Board of Books for Young People. The Board aims to propagate a love of reading books among Filipino children.

84. Implementation priorities in this area over the next five years include setting up of an effective system of regulation among the various print, broadcast and other forms of media, with the child's best interest in mind, and development of appropriate informational materials conducive to the development of children.

H. Right not to be subjected to torture or other cruel, inhuman or degrading treatment or punishment

85. The Constitution specifically prohibits the use of torture, force, violence, threat or intimidation before and after conviction. It guarantees due process and equal protection of the laws. The death penalty has been abolished.

86. The Revised Penal Code provides penalties for various forms of torture or cruelty such as kidnapping, illegal detention, unlawful arrest, slight and serious physical injuries and involuntary servitude.

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance and responsibilities

87. The Constitution recognizes the sanctity of family life and shall protect and strengthen the family as a basic autonomous social institution. The State recognizes the family as the foundation of the nation. It shall strengthen its solidarity and actively promote its total development. The State shall protect marriage as an inviolable social institution. The State is committed to defend the right of the family to a living wage and income. The natural and primary right and duty of parents in the rearing of youth for civic efficiency and the development of moral character shall receive the support of Government.

88. The Child and Youth Welfare Code states that every child has the right to a wholesome family life that will provide him with love, care and understanding, guidance and counselling, and moral and material security. The Code defines the rights, duties and liabilities of parents and the responsibilities of the State, communities and other institutions to assist them in the care and development of their children.

89. The Family Code, likewise, recognizes the family as a basic social institution which public policy cherishes and protects. The Code contains provisions on marriage and family relations within the contexts of Filipino values and traditions and on parental authority and responsibility.

90. The Barangay-Level Total Development and Protection of Children Act provides for the establishment of a day care centre in every barangay for the total development and protection of children of working mothers.

91. A variety of programmes and services designed to strengthen and enhance the family as a unit are currently implemented by the Government, non-governmental and church-based organizations. These programmes are preventive and developmental in nature.

92. Services are available for families when they are unable to discharge their caring and protective functions adequately. Families in dire economic and social need and those perceived to be most vulnerable to breakdown have first priority in government policies and programmes.

93. There are community organization programmes available to assist parents in developing their capabilities to plan and manage their own affairs. These programmes start with awareness-raising on problem situations of families in a particular barangay; enabling them to realize their collective potential for addressing the problem situation; coming up with the solutions and plans; and making collective decisions towards the implementation of these plans.

94. Livelihood development services provide opportunities for socio-economic advancement among unemployed and underemployed family heads and members. These services include capital assistance or interest-free loans and entrepreneurial skills development. Family enterprises are encouraged.

95. Family life enrichment services are available to help parents become more effective and to improve parent-child relationships through better understanding of children's needs and better performance of parental responsibilities.

96. Responsible parenthood services assist married couples of reproductive age in making decisions on birth spacing and family planning. Available methods and facilities relative to fertility management are discussed. The Family Code requires couples about to get married to attend pre-parenthood orientation sessions where the importance of responsible parenthood is stressed.

97. Parents undergoing difficulties in their role performance, such as those with problems in interpersonal relationships, were helped to acquire problem-solving skills through family casework and rehabilitative parenting services. Through these services, parents are helped to handle difficult situations such as delinquency of a child, role reversals, chronic ailments, unexpected pregnancy and unwed motherhood. Those contemplating legal separation are assisted to make decisions that take into consideration the effects of such separation on themselves and their children. Solo parents are assisted to face the changes and difficulties of separation.

Table 6. Beneficiaries served by selected alternative family care services, 1990-1992

Services	Number served
Family life enrichment services	455 252
Responsible parenthood services	1 933 104
Rehabilitative parenting services	88 923
Solo parents services	56 465

Source: Department of Social Welfare and Development, 1993.

98. Psycho-social preparation is extended to expectant single mothers faced with unwanted or unplanned pregnancy to help them regain self-confidence and lead normal lives. This is undertaken through a programme which includes residential care, pre- and post-delivery care value formation, spiritual enhancement, and counselling that would help the mother accept her situation, identify her problems and make decisions for her own and her child's future.

99. Within the educational system, services for family life enhancement are provided to parents through non-formal education focusing on the responsibilities of parents as well as through parent-teacher associations in all elementary and secondary schools. These services provide a forum for the solution of problems regarding the welfare of children in school including the development of desired health and nutrition behaviour at home and in the community.

100. While there are existing programmes for enhancing the capabilities of parents to ensure a proper environment of their children, their reach continues to be limited. Those served are concentrated in urban and growth areas. Families in need of services in rural areas, particularly those in depressed barangays, are unable to avail themselves of such programmes.

101. Implementation priorities over the next five years are: expansion of the reach of existing programmes; further development of effective parenting programmes; and design of family life programmes to cater to specific target groups, such as those with children in institutional care or with disabilities. Research will be undertaken, focusing primarily on evaluating the impact of existing services. Continuing professional staff development will be conducted.

B. Children deprived of family environment, adoption and periodic review of placement

102. The Family Code contains specific provisions on substitute parental authority. About half of all the provisions of the Child and Youth Welfare Code focus on abandoned and neglected children.

103. The following services are available to ensure that alternative family care is accessible to children who are in need of a substitute home on a temporary or permanent basis: residential care, foster care, legal guardianship and adoption. The goal of these services is to ensure permanency in the lives of the children, that is, return to their birth families or adoptive replacement.

104. The Department of Social Welfare and Development maintains 29 child-caring facilities for abandoned and neglected children in need of temporary out-of-home care. In addition, there are 103 licensed non-government child caring institutions all over the country. These facilities provide temporary care and a wide variety of social services to children in care while permanent placement plans for reunification or adoption are being worked out.

105. Foster care service is provided by the Department of Social Welfare and Development and five licensed non-governmental child welfare agencies.

106. Legal hardship guardianship is provided to a limited number of children. The implementation of legal guardianship has been limited to members of the extended family of orphaned children primarily for the purpose of management of a child's property. This has not been used for abandoned children as adoption is a better alternative.

Table 7. Number of children served by intervention and rural-urban classification, Philippines, 1990-1991

Service	Rural	Urban	Total
Placed in foster care	257	287	544
Placed in institutional care	1 749	6 810	8 559
Domestic adoption	1 019	1 369	2 388
Intercountry adoption	326	569	895

Source: Council for the Welfare of Children
Governmental and non-governmental child caring agencies

107. Adoption is regulated and administered by the Government through the Department of Social Welfare and Development. In-country adoption is done through the Department of Social Welfare and Development Field Offices and is finalized in a Philippine Court where the adoptive couples reside. Intercountry adoption is done through the Department which acts in partnership with accredited adoption agencies abroad which provide supervision and post-placement services. Adoption is legalized in the country where the adoptive parents reside.

108. An Adoptive Parent Support Group was organized in 1990. This marked a milestone in local adoptive work. The First Metro Manila Congress on Adoption and Foster Care held in 1991 was also a landmark in promoting in-country adoption efforts. Since then, the Adoptive Parents Support Group, now the Adoptive Families Foundation, has become an active partner in the field of adoption.

109. The Department also processes adoptions of children already residing with families with which they have been placed by the courts. The family files the petition to adopt the children and the court orders the Department to conduct a home study of the adopting family and a child study on the situation of the child and his or her biological parents.

110. In implementing intercountry adoption of Filipino children, the Department is currently working with 69 accredited adoption agencies in 12 countries. The Philippines has bilateral agreements with the following countries: Australia, Canada, Denmark, Finland, Netherlands, Norway and Sweden. The draft of the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption was patterned after the Philippine bilateral agreement with Australia.

111. Seventy-three per cent of Filipino children who were adopted abroad from 1990 to 1992 were non-related adoptions. Of the children placed for adoption in foreign countries, 65 per cent were adopted in the United States of America.

112. A monitoring system is in place in the Department for the periodic review of placements of children in residential care, foster care, legal guardianship and adoption with the objective of assessing the children's situation under these arrangements and to ensure his or her well-being. Where negative findings are noted, alternative arrangements will be sought for the adopted child by the accredited agency.

113. While some progress has been achieved in the implementation of the Convention in this area, certain difficulties remain. Foremost of these are the inadequacy of financial and manpower resources; the lack of a pool of licensed foster homes and approved local adoptive homes; inadequate knowledge and skills of social workers, particularly in the area of case management and dynamics in working with children who are abandoned, dependent and neglected, and of working with other disciples; lack of local studies on residential care, foster care, and adoption and their impact on the lives of children; inadequate data and information on the overall status of children in need of substitute parental care in each barangay, municipality or city; and cultural attitudinal constraints which impede implementation of in-country adoption.

114. Implementation priorities over the next five years will focus on addressing these difficulties. In addition, legislation will be enacted in the following areas: on the restoration of the Juvenile and Domestic Relations Courts, to be renamed Juvenile and Family Courts, to ensure protection and speedy court proceedings for abandoned, dependent and neglected children; amendment of the Family Code to allow in-country adoption by resident aliens; and on intercountry adoption.

C. Illicit transfer and non-return

115. To protect against illicit transfer and non-return of children, the Department of Social Welfare and Development evaluates applications for passports of minors travelling abroad unaccompanied by their parents and of those adopted in other countries. The Department assigns a social worker at the country's three international airports to review the travel documents of departing Filipino children unaccompanied by their parents.

D. Abuse and neglect

116. The Child and Youth Welfare Code defines a neglected child as one whose basic needs have been deliberately unattended or inadequately attended to. Two types of neglect are defined by the Code. Physical neglect occurs when the child is malnourished, ill-clad and without proper shelter. Emotional neglect exists when a child is maltreated, raped or seduced, overworked, or made to work under conditions not conducive to good health or to beg in the streets or public places, when a child is in moral danger or is exposed to gambling, prostitution or other vices.

117. The Code provides that the Secretary of Social Welfare and Development, his or her authorized representative, or any duly licensed placement agency having knowledge of a child who appears to be abandoned or neglected may file a petition for the commitment of the child to the care of any duly licensed child placement agency or individual. The Code also provides that all hospitals, clinics and other institutions, as well as private physicians providing treatment, shall, within 48 hours of obtaining knowledge of the case, report to the city or provincial fiscal, the local Council for the Protection of Children or to the nearest unit of the Department of Social Welfare and Development any case of a maltreated or abused child.

118. The Special Protection Act provides for stronger deterrence and special protection against child abuse, exploitation and discrimination. It also protects children against neglect, cruelty, discrimination and other conditions prejudicial to their development and provides for sanctions and penalties for actions prohibited by the Act.

119. The Act defines child abuse as maltreatment of a child, whether habitual or not, which includes any of the following: psychological and physical abuse, neglect, cruelty, sexual abuse and emotional maltreatment; any act by deeds or words which debases, degrades or demeans the intrinsic worth and dignity of a child as a human being; unreasonable deprivation of the basic needs for survival, such as food and shelter, or failure to immediately give treatment to an injured child resulting in serious impairment of growth and development, permanent incapacity or death.

120. The Child and Youth Welfare Code and the Special Protection Act also serve to balance parents' rights to raise their children as they see fit and a child's right to receive proper care and protection from abuse and neglect.

121. A primer on child abuse, which includes a flow chart on the existing referral network, has been developed and is now available both in Filipino and in English.

122. A joint project of the Department of Social Welfare and the Development and the media is the Bantay-Bata (Childwatch) Hotline; all reported cases of child abuse are promptly referred to agencies for appropriate intervention.

123. A major difficulty encountered in the implementation of legislation against child abuse and neglect is the lack of a specific monitoring mechanism. Implementation of programmes in this area by the Government and non-governmental organizations is still fragmented. Another difficulty is the inadequate level of needed skills among staff handling such cases.

124. Implementation priorities over the next five years include: educational measures to make communities aware of the dangers of child abuse and neglect and the consequences of these on the lives of children; intensification and strengthening of existing child protection services and implementation of comprehensive, community-wide programmes; setting up of a mechanism for accurate reporting and monitoring of cases of child abuse and neglect and of programmes in the community; continuing development and enhancement of

knowledge and skills of staff involved in handling cases of child abuse and neglect; and networking and advocacy at the local, regional and national levels on this important concern.

VI. BASIC HEALTH, NUTRITION AND WELFARE

A. Survival and development

125. The Philippine Constitution upholds the right of Filipino children to health and nutritional well-being. The constitutional guarantee that the State shall defend the rights of children to assistance including proper care and nutrition is of greatest relevance in this particular area.

126. The Child and Youth Welfare Code specifies that the promotion of a child's health shall begin with adequate prenatal and post-natal care both for the child and the mother. All appropriate measures shall be taken to ensure total development of the child. The Code further states that it shall be the responsibility of health, welfare and educational entities to assist the parents in looking after the health of the child.

127. Recent legislations aimed at promoting the health, nutrition and well-being of Filipino children are the Philippine Code on Marketing of Breastmilk Substitutes, the Generics Act of 1988, the Barangay-Level Total Development and Protection of Children Act, and the Rooming-In and Breastfeeding Act of 1992. The first calls for more intensive dissemination of information on the value of breastfeeding and proper nutrition and regulates advertising, promotion, marketing and distribution of breastmilk substitutes and other related products including formula bottles and accessories. The second aims at reducing the cost of health care by reducing the cost of drugs. The third includes a provision that the programme to be instituted in any barangay in compliance with the Act will include a referral and support system for pregnant mothers for pre-natal and neo-natal care and for the delivery of the infant under conditions which will remove or minimize risk to mother and child. The fourth promotes rooming-in of mothers and their newborn infants as soon as possible after birth for the enforcement of early and appropriate breastfeeding and lactation management practices.

128. Two Presidential Proclamations have been issued concerning universal child immunization. One affirmed the Philippine Government's commitment to sustaining and improving child and maternal immunization coverage. The other reaffirmed the commitment and launched the Philippine Polio Eradication Programme with the goal of eradicating polio by 1995.

129. The country's nutrition efforts received a boost with the expansion of the membership of the National Nutrition Council to include the Department of Labour and Employment, the Department of Trade and Industry, the National Economic and Development Authority and the Department of Budget and Management, in addition to the earlier members which were the Departments of Agriculture, Health, Social Welfare and Development, Interior and Local Government, Science and Technology, Education, Culture and Sports, and three representatives from the private sector. This move strengthened the link of nutrition efforts with sectors involved in the country's economic development.

130. Starting in 1986, health and nutrition programmes focused more explicitly on disadvantaged and poor barangays that had long-standing records of low performance in terms of delivery and utilization of basic health services.

131. One of the programmes which has led to improved health status among Filipino children in recent years is the Expanded Programme on Immunization (EPI). Through concerted efforts among government agencies, local political and religious leaders and non-governmental organizations, impressive increases have been achieved in immunization coverage in the last two years. These have led to significant reduction in disease incidence.

Table 8. Proportion of Filipino children, 0-1 year old, immunized against six immunizable diseases (per cent), 1990 and 1992

	1990	1992
Fully immunized children	75.32	91.04
Against:		
Polio	87.82	92.14
Measles	84.76	89.88
Tuberculosis	96.22	94.06
Diptheria, Pertussis and Tetanus	88.02	91.97

Source: Department of Health

132. EPI service-delivery has been integrated into the regular services of rural health units, barangay health stations and government hospitals in all provinces, cities, municipalities and barangays. Regular weekly or monthly vaccination schedules in all health centres and health facilities have been instituted.

133. The Department of Health has formulated two separate plans of action which are expected to lead to major improvements in the child health situation in the country. These are on the control of acute respiratory infections (CARI) and on the control of diarrhoeal diseases (CDD). The CARI programme focuses on the reduction of pneumonia mortality among children under five years of age through timely treatment. The key strategy is for midwives to undertake early disease detection through respiratory rate observation and to dispense oral antibiotics.

134. A comprehensive desk review or the CDD programme in 1990 noted several achievements which can be attributed to effective management. The programme is an example of close collaboration among government agencies, medical, nursing, midwifery and pharmacy colleges and professional organizations such as the Philippine Medical Association and the Philippine Paediatric Society. A multi-media advocacy campaign to promote oral rehydration in cases of diarrhoea was launched in 1991. A programme for the distribution of oral rehydration salts has been institutionalized.

135. Efforts towards reducing mortality and morbidity among children through immunization and the control of infectious diseases have been complemented by equally vigorous efforts to promote the practice of breastfeeding. The Department of Health has set up a Lactation Management Education and Training Programme to train health personnel of government hospitals on the promotion and practice of breastfeeding.

136. Following the approval of the Philippine Code of Marketing of Breastmilk Substitutes and of the Rooming-In Act of 1990, advocacy activities were undertaken, including consultative workshops, on hospital practices to encourage breastfeeding and rooming-in. Rooming-in guidelines were prepared. Five major infant formula manufacturers have committed to refrain from distributing free samples of infant milk formula in hospitals.

137. The International Baby Friendly Hospital Initiative has been adopted in the Philippines. As of mid-1992, 25 hospitals had been awarded the "Baby-Friendly" status. A target of 39 hospitals with "Baby-Friendly" status by year-end had been set initially. This target was surpassed, with more than 100 hospitals attaining the status by the start of 1993. The target now is to make all Philippine hospitals 'Baby-Friendly".

138. Closely related to efforts towards improving children's health are those aimed at improving their nutritional status. The Philippine Food and Nutrition Plan is the Government's answer to the problems of malnutrition which exist in the country. The Plan covers multisectoral efforts aimed at improving nutritional status through a wide range of programmes which include direct interventions for targeted beneficiaries and long-term measures to increase food availability and incomes.

139. Direct nutrition interventions include food assistance, nutrition-related health services, provision of potable water supply, incremental food production, and nutrition information and education.

140. The problem of micronutrient malnutrition has recently received greater emphasis. Vitamin A capsules are given to underweight preschool children. Iron supplements are given to pregnant and lactating mothers. Iodized oil capsules are provided in goitre-endemic areas.

141. The National Nutrition Council has launched a multi-agency programme of assistance to poor municipalities. By the end of 1992, the LAKASS programme had provided financial assistance to 163 municipalities seen as most in need.

142. Complementing these interventions are continuing efforts to formulate policies and programmes, primarily on agriculture, wages and economic development, which would have a positive impact on nutritional status.

143. Efforts aimed at promoting health and nutritional well-being have definitely resulted in reductions in mortality, morbidity and malnutrition. Their reach and effectiveness still leave much to be desired, however. Among the difficulties encountered are inadequacies in the training of rural health midwives to enable them to fulfil their multiple roles in the field. The high cost of medicines and the lack of health facilities in some areas preclude

full access to the health care services needed by children and by the population in general. There are, as yet, no financing schemes to assist communities in meeting their maternal and child health needs.

144. Implementation priorities over the next five years include: passage of legislation to protect the life of the unborn, as well as one to define health and nutrition standards to which children have a right; sustaining the high level of immunization coverage; expanding the reach of existing programmes; and regular monitoring of the health and nutrition status of Filipino children.

B. Social security and child-care service and facilities

145. The Philippines' Social Security System grants a monthly pension to minor children without parents, provided that at least one of the parents had been employed in the formal labour sector and had been a member of the System. The Government Service Insurance System has initiated a study to identify possible measures for extending free health insurance coverage to orphans.

146. The Barangay-Level Total Protection and Development Act states that the Filipino child up to six years of age deserves the best care at the family and community levels. The Act provides for the establishment of a day care centre in every barangay which will have a total programme for child protection and development. Among the key elements of the day care centre programme are: monitoring of birth registration, immunization, growth and nutrition; care for children of working mothers during the day and, where feasible, care for children up to six years old when mothers are working at night; materials; and a network of surrogate mothers who will provide intellectual and mental stimulation to children as well as supervised wholesome recreation.

147. The day care centre need not take care of children in a particular place. A network of homes where women may be trained to take care of children up to six years old during work hours with adequate supervision from the supervising social welfare officer of the Department of Social Welfare and Development may be developed. The Act provides further that where young children are left to the care of a paid domestic, an elderly relative or older children without adequate and competent adult supervision, the supervising social welfare officer shall provide such training and adult supervision until the children's care meets adequate standards for developing normally as healthy, happy and loved children, even in the absence of their mothers during working hours.

148. As of 1992, there were 18,124 day care centres, 43 per cent of the total which need to be established in compliance with this Act.

149. Implementation priorities in this area over the next five years are: establishment of day care centres in the 23,752 barangays which do not have one yet and studies on the feasibility of agency-based child-care services for 0-2-year-old children of low-income working mothers and on possible social security measures for child beneficiaries.

C. Disabled children

150. A Magna Carta for Disabled Persons was recently signed into law. This provides for the self-development, self-reliance and rehabilitation of disabled persons and their integration into the mainstream of Philippine society. This is a very comprehensive law. In its Declaration of Principles, it states that the grant of rights and privileges for disabled persons shall be guided by the following: first, disabled persons are part of Philippine society. Thus, the State shall give full support to the improvement of the total well-being of disabled persons and their integration into the mainstream of society. Towards this end, the State shall adopt policies ensuring the rehabilitation, self-development and self-reliance of disabled persons. It shall develop their skills and potentials to enable them to compete favourably for available opportunities; second, disabled persons have the same rights as other people to take their proper place in society. They should be able to live freely and as independently as possible. This must be the concern of everyone: the family, community and all government and non-governmental organizations. Disabled persons' rights must never be perceived as welfare services by the Government.

151. About a decade earlier, an Act to Enhance the Mobility of Disabled Persons had been passed. This requires that the owners and operators of all buildings, establishments and public utilities shall incorporate therein structural and architectural facilities or features to reasonably enhance the mobility of disabled persons. It also provides that special bus stops shall be designed for the disabled and that such devices as posters and stickers shall be carried by public conveyances to generate public awareness on the rights of the disabled and to foster understanding of their special needs. This Act was made supplementary to the Magna Carta for Disabled Persons.

152. An annual White Cane Safety Day has been declared for the purpose of instilling public awareness of the plight of the blind. It aims to promote recognition and acceptance of the white cane as a symbol of the need of the blind for special assistance and as a reminder of the individual's duty to care for and respect the rights of the less fortunate.

153. The Child and Youth Welfare Code defines a disabled child as one who is mentally retarded, physically handicapped, emotionally disturbed or severely mentally ill. The Code provides that specialized educational services shall be expanded and improved to provide appropriate opportunities for disabled children. Vocational rehabilitation and manpower agencies are to train disabled children for specialized jobs and help provide opportunities for their placement.

154. The Code states that the Department of Social Welfare and Development, upon application of the parents or guardians and recommendation of any reputable diagnostic centre or clinic, shall refer or admit disabled children to any public or private institution providing the proper care, training and rehabilitation. When a disabled child needs institutional care but his parents or guardians are opposed thereto, the Department or any duly licensed child placement agency or individual has the authority to file a petition for commitment of the child to any reputable institution providing the proper care, training and rehabilitation.

155. The general principle of non-discrimination is specifically upheld in all special legislations to safeguard the rights of the disabled and to promote their welfare.

156. A national federation of organizations for the disabled has been established. Known as the Kapisanan ng mga May Kapansanan, Inc. (KAMPI), the federation is recognized internationally for its strong advocacy of the rights of the disabled. It has developed leaders among its members and has established self-help groups in almost all provinces and cities.

157. The Government has established institutions specifically for the disabled. These are the Philippine School for the Deaf, the Philippine National School for the Blind, and the Elsie Gaches Village, an institution which takes care of the mentally retarded. The Village provides special education classes for patients with minimum mental age of seven years. It also cares for patients with epilepsy, psychosis, Down's syndrome, autism, hyperactivism and cretinism.

158. The National Council for the Welfare of Disabled Persons has been organized as a specialized government agency for the disabled. The Council has forged links with local government units towards the establishment of a similar council in all regions, provinces, cities and municipalities of the country. The Council has undertaken extensive advocacy of the plight of the disabled, disability prevention, rehabilitation of the disabled, provision of equal opportunities and enforcement of existing legislation. These efforts have included information caravans and mass media campaigns. A National Disability Prevention and Rehabilitation Week is held annually in July.

159. The Department of Social Welfare and Development has ongoing programmes and services on disability prevention, rehabilitation and equalization of opportunities for physically, mentally and socially disabled persons. It is currently undertaking a special project for early detection and prevention of disabilities among those 0-6 years old. This project intends to develop a system for helping parents, child-care workers and volunteers to detect disabilities of children at an early stage and use simple intervention measures to reduce the risk of problems that may lead to handicapping conditions.

160. Difficulties encountered in the implementation of programmes and services for the disabled are a lack of data on the disabled, of a referral network, and of instructional materials for their use.

161. Implementation priorities over the next five years are: strengthened collaboration between the Government and non-governmental organizations in working for the disabled; continuing advocacy efforts, including preparation of additional materials on the Magna Carta for Disabled Persons; and implementation of a nationwide programme which will enable parents and care-givers to detect disabilities at an early stage.

D. Standard of living

162. The child's right to a standard of living adequate for his or her physical, mental, spiritual, moral and social development is upheld by the Constitution and the various laws presented in this report.

163. The Child and Youth Welfare Code states that one of the primary duties of parents is to provide adequate support for their children. Such support is defined by the Family Code as consisting of everything indispensable for sustenance, dwelling, clothing, medical attention, education and transportation, in keeping with the financial capacity of the family. The Child and Youth Welfare Code also states that every child has the right to a balanced diet, adequate clothing, sufficient shelter, proper medical attention and all the basic physical requirements of a healthy and vigorous life.

164. The child is guaranteed care by the State when his or her parents or guardians are unable to provide the child with his or her fundamental needs for growth, development and improvement. The various programmes of the Government for children, particularly in health and nutrition, aim at ensuring that children enjoy a standard of living which promotes their growth and development.

165. One of the components of the National Shelter Programme is the provision of core shelter assistance for families rendered homeless by natural or man-made disasters. Originally intended for assistance in typhoon-prone areas of the country, the structures are made of indigenous materials and are designed to withstand wind velocity up to 180 kilometres per hour as well as earthquakes of moderate intensity.

166. Ensuring that children have appropriate food, shelter and clothing is a special concern in times of disasters and other emergencies. The Department of Social Welfare and Development is the lead agency in attending to the needs of children in such circumstances. The provision of clothing includes blankets and sleeping mats.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

A. Education, including vocational training and guidance/aims of education

167. The right of a child to education is enshrined in the Constitution which provides that the State is duty-bound to protect and promote the right of all citizens to quality education at all levels and to make it accessible to all. The State is to establish, maintain and support a complete, adequate and integrated system of education relevant to the needs of the people and society; establish and maintain a system of free public education in the elementary and high school levels; establish and maintain a system of scholarship grants, student loan programmes, subsidies and other incentives for deserving students in both public and private schools; encourage non-formal, informal and indigenous learning systems, as well as self-learning, independent, and out-of-school study programmes; and provide adult citizens, the disabled and out-of-school youth training in civics, vocational efficiency and other skills.

168. The Constitution provides that educational institutions shall, among other things, inculcate patriotism and nationalism, love of humanity and respect for human rights; teach the rights and duties of citizenship; strengthen ethical and spiritual values; and develop moral character and personal discipline. The Child and Youth Welfare Code contains a number of provisions specifically on education. These refer to admission to schools, assistance to indigent parents, nursery schools, special classes for the physically handicapped, mentally retarded and emotionally disturbed, school plant and facilities, the role of the home, organization of parent-teacher associations, education of children employed as domestic helpers, and on an education assistance programme for working children.

169. Early childhood development has been recognized as an important aspect of the child's education. The Barangay-Level Total Development and Protection of Children Act provides for the establishment of a day care centre in every barangay, which shall have a total development and protection programme to serve the needs of children up to six years old. Early childhood care and development services are being provided through three basic approaches: home-based, centre-based and corporation- or industry-based. School-based early childhood care and development is undertaken by the Department of Education, Culture and Sports.

170. Elementary education is compulsory for all Filipino children of school age. The mission of elementary education is to equip every child with basic preparation that will make him or her an enlightened, disciplined, nationalistic, self-reliant, God-loving, creative, versatile and productive citizen. Its objectives are: to provide basic knowledge and develop the foundation skills, attitudes and values essential to the child's personal development and necessary for living in, and contributing to, a developing and changing social milieu; to provide learning experiences which increase the child's awareness of and responsiveness to the changes in society and to prepare him or her for constructive and effective involvement; to promote and intensify the child's knowledge of, identification with and love for the people and the nation to which he or she belongs; and to promote work experiences which develop and enhance the child's orientation to the world of work and creativity which will prepare him or her for honest and gainful work.

Table 9. Selected indicators of delivery of early childhood care and development services, 1991

Services/Beneficiaries	Number
Children served	
Home-based	147 300
Centre-based	834 720
Industry-based	537
Day care centres	13 912

Source: Department of Social Welfare and Development

171. The goals of secondary education are to equip students with knowledge, skills and attitudes for productive endeavour and enhances their aptitudes and interests; inculcate positive values that will develop among students a rational commitment to the goals of national development; prepare students for tertiary schooling; and promote the physical, intellectual, emotional and social well-being of the students.

172. The Act Establishing and Providing for a Free Public Secondary Education of 1988 provides for free tuition and other school fees for secondary-level students in national high schools, general comprehensive high school, state colleges and universities, specialized schools, trade, technical, vocational, fishery and agricultural schools, and in schools established, administered, maintained and funded by local government units, and those public high schools which may be established by law.

173. This Act is complemented by the Government Assistance to Students and Teachers in Public Education Act which authorizes the Government to enter into service contracts with private schools for them to accommodate students who cannot be absorbed in the public school system due to resource constraints, and to give tuition fee supplements to students with financial difficulties who are enrolled in private secondary schools. Immediately after the Free Public Secondary Education Act was passed, enrolment in high school increased by 6.9 per cent.

174. A system for technical-vocational education is in place with efforts started over 65 years ago through the Vocational Education Act of 1927. Strong links have been established with industry.

175. The National Manpower and Youth Council, an agency attached to the Department of Labour and Employment, operates 14 regional and 12 provincial manpower training centres. These centres provide skills orientation, training and development, particularly for out-of-school youths.

176. The needs of special children are being addressed through a number of programmes and projects: a nationwide survey of school-age children with special needs is ongoing for the purpose of generating data that will guide the schools in providing the children appropriate services; training programmes for teachers of deaf and blind children are being conducted by the Department of Education, Culture and Sports in coordination with non-governmental organizations; community-based special education programmes focusing on the development of literacy, numeracy and livelihood skills of 6 to 12-year-old handicapped children are being provided. More Special Education Programme Centres all over the country, and special education classes in regular schools, are being organized.

177. The Department of Education and Culture is at the forefront of efforts to protect the child's rights to education, leisure and cultural activities. It does so through a network of central and regional offices. Complementing the work of these offices are its attached agencies, including the National Education Testing and Research Centre which provides special services in the field of educational measurement, evaluation and research. The information generated by the Centre is an important input to improving the National

College Entrance Examination and a number of placement and assessment tests. Other important agencies under the Department include the National Historical Institute, the National Library and the National Museum.

178. The Local Government Code calls for the establishment of a school board in every province, city and municipality, to be chaired by the local chief executive at each level. The school board serves to determine budgetary appropriations for the maintenance of public schools within its jurisdiction, authorizes disbursement of funds therefor and advises the local legislative bodies on matters related to education.

179. Barangay Councils also provide institutional support for the goal of improving access to education. Under the Child and Youth Welfare Code, the Council is authorized to appropriate funds for annual scholarships for indigent children deserving public assistance.

180. The Government works closely with the private sector at all levels of education. Private sector participation is most evident at the tertiary level where 71.3 per cent of all institutions are privately owned. Vocational high schools are also largely operated by the private sector.

181. In various aspects of its work of upholding child's rights in the area of education, culture and sports, the Government collaborates closely with non-governmental organizations.

182. To ensure unity of efforts and directions with and among its partners, the Department of Education, Culture and Sports maintains an effective system of networking.

183. While major accomplishments have been achieved in this area, a number of difficulties continue to work against full enjoyment of the child's rights to education, leisure and culture. These include infrastructure problems which reduce physical access to schools, particularly in rural areas; funding constraints; and lack of teachers, classrooms, other school facilities and institutional materials. The last is particularly true in the case of special education and schools for children of indigenous cultural communities.

184. Future directions to strengthen Philippines education are embodied in the country's Education for All Programme of Action, 1991-2000. The Programme has the following as its key objectives: institutionalization of early childhood development as a basic service for all children in the country; improvement in the quality and efficacy of public education; eradication of illiteracy; and the provision of basic knowledge, skills and values that allow adults and out-of-school youth to improve the quality of their life and increase their opportunities to participate in the development process. The 1990s has been declared the Decade of Education for All.

B. Leisure and cultural activities

185. Closely related to the constitutional provisions on education are those on leisure and culture. The Constitution provides that the State shall promote physical education and encourage sports programmes, league competitions and amateur sports, including training for international

competitions, to foster self-discipline, teamwork and excellence for the development of a healthy and alert citizenry. It also states that educational institutions shall undertake regular sports activities throughout the country in cooperation with athletic clubs and other sectors.

186. The Family Code prescribes that parents and those exercising parental authority have the duty to furnish their unemancipated children with good and wholesome educational materials, supervise their activities, recreation and association with others, protect them from bad company and prevent them from acquiring habits detrimental to their health, studies and morals.

187. The Child and Youth Welfare Code contains provisions on the development of the reading habit among children as a wholesome recreation which should be cultivated in the home. Parents are encouraged to provide their children with good and wholesome reading materials and to guard against the introduction in the home of pornographic and other unwholesome publications. The Code further provides that parents are to encourage their children to associate with other children of their own age with whom they can develop common interests of a useful and salutary nature. It enjoins parents to give children every opportunity to form or join social, cultural, educational, recreational, civic or religious organizations or movements and other useful community activities.

188. The Code assigns to the community where the child lives the duty of organizing and encouraging movements and activities for the furtherance of the interests of children and youth, as well as of promoting the establishment and maintenance of adequately equipped playgrounds, parks and other recreational facilities.

189. This mandate is complemented by the provision in the Local Government Code that local government units shall provide among its basic services and facilities a multipurpose hall, multipurpose pavement, plaza, sports centre and other similar facilities, as well as an information and reading centre, at the barangay level.

190. Physical fitness and sports are given adequate time and importance in the curriculum at all levels of education. Embodied in the physical education programme is the development of desirable skills, knowledge, social attitudes and values. The programme also serves as a vehicle for promoting traditional Filipino games, sports, songs and dances.

191. On the promotion of culture, the Constitution provides that the State shall foster the preservation, enrichment and dynamic evolution of a Filipino national culture based on the principle of unity in diversity in a climate of free artistic and intellectual expression. Arts and letters shall enjoy the patronage of the State. The State shall conserve, promote and popularize the nation's historical and cultural heritage and resources, as well as artistic creations. The State shall recognize, respect and protect the rights of indigenous cultural communities to preserve and develop their cultures, traditions and institutions. It shall consider these rights in the formulation of national plans and policies.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

1. Refugee children

192. A Task Force on International Refugee Assistance and Administration, chaired by the Department of Foreign Affairs, has been created to coordinate with the United Nations High Commissioner for Refugees in the Philippines on activities relating to refugees and to formulate guidelines for the administration of refugee camps, make recommendations regarding refugee management, and coordinate interdepartmental support.

193. In cooperation with UNHCR, the Philippines maintains four centres for refugees and asylum-seekers. Services are provided by local and international non-governmental organizations in coordination with UNHCR. The general management of the centres is handled by the Philippine Government. Policy issues and programme implementation problems are decided by the Task Force.

194. The programme for refugees and asylum-seekers in the Philippines is acknowledged as the best among all transit centres in the region. Children, whether or not accompanied by their parents or relatives, enjoy protection and assistance in living normally despite anxieties, fears and uncertainties about their future. A distinction is to be made between "asylum-seeker" and "refugee". A refugee is a person who has been determined as such by the Task Force, one who has a well-founded fear of persecution in his or her country of origin. An asylum-seeker is either someone who has not yet had the opportunity for a hearing by the Task Force or someone who has been determined not to have a well-founded fear of persecution. A refugee in the Philippines has the right to have his or her case presented for resettlement. This is not the case with asylum-seekers.

195. Refugee children are provided housing, adequate food, medical and health care, socio-cultural, sports, recreational activities, spiritual services, guidance and counselling, and psychological and psychiatric treatment whenever necessary. Formal education and vocational training courses are also offered. In preparation for resettlement, refugee children can avail themselves of language and cultural orientation classes suited to his or her country of destination, where the child's identity and cultural heritage are emphasized.

196. Unaccompanied minors are given special attention. Cases of unaccompanied minors are reviewed by a special committee composed of representatives of the Bureau of Immigration, UNHCR and the Community and Family Services International. From 1989 to 1992, the special committee considered 967 cases of which 68.7 per cent were for recommended repatriation and the rest for resettlement.

197. Services provided to unaccompanied minors in the asylum camp include provision for immediate basic, psycho-social and developmental needs. Foster care placements with trained foster parents and care-givers are arranged for the children. Since unaccompanied minors encounter more emotional and psychological problems, psycho-social interventions to cope with the effects

of their traumatic experiences include psychological and/or psychiatric treatment, guidance and counselling by peer facilitators, sessions on value formation, sex education and decision-making.

198. A difficulty encountered in connection with unaccompanied refugee children and asylum-seekers is in tracing their parents or relatives. In most cases, this has been unsuccessful. At the start, the determination of refugee status also presented a difficulty as it was a slow process: this has since been overcome.

199. Implementation priorities in this area over the next five years are: continuing informational, educational and motivational strategies and activities for the immediate repatriation of asylum-seekers and the intensification of diplomatic efforts for the safe and orderly voluntary repatriation of screened-out asylum-seekers and/or the resettlement in countries of final destination of the bona fide refugees.

2. Children in situations of armed conflict (CSAC)

200. The Special Protection Act declares children as "Zones of Peace". This Act provides that children shall not be the object of attack and shall be the object of special respect. They are to be protected from any form of threat, assault, torture or other cruel, inhuman or degrading treatment. Children are not to be recruited into the Armed Forces of the Philippines or into any armed group, not allowed to take part in the fighting and not to be used as guides, couriers or spies.

201. In any barangay where armed conflict occurs, the barangay chairperson shall submit to the municipal social welfare and development officer the names of all children residing in the barangay within 24 hours of the start of the conflict. Delivery of basic social services is to be kept unhampered and the safety of service-providers ensured. Public infrastructures, such as schools and health facilities, are not to be utilized for military purposes.

202. During any evacuation resulting from armed conflict, children are to be given priority. Community organizations operating within the area are to be tapped to look after the safety and well-being of children. Measures shall be taken to ensure that children who are evacuated are accompanied by persons responsible for their safety and well-being. Whenever possible, members of the same family are to be housed in the same premises.

203. In any case where a child is arrested for reasons related to armed conflict, he or she shall be entitled to separate detention from adults, immediate full legal assistance, immediate notice of arrest to the child's parents or guardians, and release on recognizance to the Department of Social Welfare and Development or any responsible member of the community within 24 hours.

204. In support of the Special Protection Act, the Armed Forces of the Philippines issued in 1991 a memorandum order specifically on the protection of children during military operations.

205. The Department of Social Welfare and Development is the lead agency in providing emergency relief assistance and rehabilitating displaced families in evacuation and resettlement areas. The Department, in cooperation with other agencies and non-governmental organizations, provides relief services such as temporary shelter for the children and their families, food and other basic necessities, water and sanitation facilities, emergency health services including immunization, control of diarrhoeal diseases, educational, socio-cultural and recreational activities for children and youth, day care services and other early childhood care and development activities. Special attention is extended to severely traumatized children.

206. Children who are lost, abandoned or orphaned as a result of armed conflict are referred to the local Council for the Protection of Children or to the Department of Social Welfare and Development. All efforts are undertaken to locate the child's parents and relatives. Arrangements are made for the temporary care of the child by a licensed foster family or a child-caring agency. The child is helped to cope with feelings of loss of loved ones and is made to feel like a member of a family. Once his parents or other relatives are located, the child is immediately reunited with his or her family. If not, alternative plans for his or her permanent care and custody are made through long-term foster care, guardianship or adoption.

207. The Philippine Commission on Human Rights has provided financial assistance to individuals and families caught in the crossfire during encounters between government troops and the insurgent forces. Depending upon the attending circumstances, families or the individual members concerned may be granted any or a combination of the following benefits: survivor's benefits which can be availed of by the heirs of the victims; medical benefits which can be used to pay for the hospitalization and other medical expenses of wounded victims; witness allowances to provide logistical support to potential witnesses in the successful prosecution of a case; and community assistance which can be availed of by families that are displaced as a result of encounters. The Commission has included a CSAC module in its regular training programme for police and military officers.

208. In providing services to children in situations of armed conflict, the Department collaborates actively with non-governmental organizations. For the training of its social workers in the delivery of psycho-social services to such children, for example, the Department has engaged the services of the Children's Rehabilitation Center, an NGO which has pioneered in serving the needs of children and families caught in armed conflict. The collaborative approach has also been very visible in the implementation of the CSAC component of the Third Country Programme for Children, 1988-1993, of the Government of the Philippines and the United Nations Children's Fund, which has provided emergency assistance in 23 provinces.

209. A number of difficulties still persist despite the efforts taken to provide special protection and assistance to children caught in situations of armed conflict. These include the still limited knowledge of service providers in the management of child-focused special services such as psycho-social interventions; limitations in financial resources to fully implement

measures for the protection and rehabilitation of children in situations of armed conflict; and the lack of an effective monitoring mechanism on this problem.

210. The Philippine Plan of Action for Children contains an agenda for extending assistance to children in situations of armed conflict. These include continuing provision of basic services to them; intensive information and advocacy efforts on the problem and on the provisions of the Special Protection Act specifically related thereto; development of a monitoring scheme; strengthening of coordination and networking among government agencies and non-governmental organizations extending services to these children; resource-generation; and continuing promotion of the concept of children as Zones of Peace.

B. Children in conflict with the law

211. The Child and Youth Welfare Code provides for the care and treatment of youth offenders from the time of apprehension up to the termination of the case. It provides for the physical and mental examination of the youth after apprehension; his or her detention in a cell separate from adult offenders; the release on recognizance to the custody of his or her parents or other suitable persons; the suspension of sentence and commitment of the youth offender to the care and supervision of the Department of Social Welfare and Development or to a rehabilitation centre based on social case study reports submitted to the court, upon application for such suspension and provided that this is only for a first offence not punishable by life imprisonment.

212. A youth who has committed a misdemeanour or an offence is to be referred to the barangay chief executive who shall initiate conciliation/mediation between the youth and his or her parents and the offended parties. If the problem is not settled during the conciliation, the youth is referred to the barangay adjudication body for further action on, or resolution of, the problem. All measures are exhausted to settle the case at the village level. Only those which are not resolved at the village level are forwarded to the police.

213. Upon apprehension of a youth, he or she is booked, his or her parents or guardians immediately notified and he or she is referred for physical and medical examinations as required by law. In some instances, a social worker is notified to assist the youth in a language and manner that he or she can understand. Efforts to settle the case amicably are undertaken particularly to prevent the child from being detained for a misdemeanour or a minor offence.

214. Up to 1983, cases of youth offenders were handled by the Juvenile and Domestic Relations Court. At present, these are being handled by the regular courts. The Supreme Court has designated certain branches of the Regional Trial Courts to handle exclusively criminal cases, juvenile and domestic relations cases, which do not fall under the jurisdiction of quasi-judicial bodies and agencies. The Supreme Court has also issued special rules on criminal proceedings involving youth offenders.

215. The court hearing the case of a youth offender may effect release on recognizance or outright release as soon as jurisdiction is acquired to prevent the prolonged detention of youth offenders. If the case is not dismissible, a pre-trial is arranged to discuss with the youth, the parents and the counsel the issues involved and amicable dispositions available. If the case cannot be settled amicably and indicators show that the youth needs rehabilitation, the court proceeds with arraignment and hearing.

216. The court generally adopts measures to minimize the trauma of a youth undergoing trial. The court representative may see the young offender in his or her chamber, in the presence of his or her parents and legal counsel, and treat him or her with compassion. The formal procedures may be relaxed to enable the youth to understand the proceedings. If the court finds that the child has committed an offence, the promulgation of sentence may be suspended upon motion of the legal counsel. The youth shall then be committed to a rehabilitation centre or to the custody of his or her parents or a specified responsible person under the supervision of the Department of Social Welfare and Development.

217. The Department is responsible for the operation of regional rehabilitation centres for youth who are on suspended sentence. There are 10 centres with an average capacity of 50 youths each. These are open institutions, i.e. there are no bars and no guards. These centres provide intensive treatment services by an interdisciplinary team, a home-like atmosphere of group living, both formal and non-formal education including vocational skills training, spiritual values education and reorientation, socio-cultural, sports and recreational activities as well as livelihood opportunities to prepare youth offenders for reintegration into their families and communities. They are encouraged to be part of the larger community as they participate in community affairs or attend classes in the community schools. Parents are encouraged to visit and maintain contacts through letters.

218. When a youth is released to his or her parents or guardian on suspended sentence or released from detention or from the rehabilitation centre, after-care services are provided. These are designed to strengthen family life and promote reintegration of the youth in community and productive activities.

219. Despite the existence of laws in favour of youth offenders, a number of difficulties preclude their full implementation. For example, there are still only a few separate detention centres or cells for youth offenders.

220. Programmes and services for the rehabilitation of young offenders are limited and personnel working with youth offenders still do not possess enough knowledge and skills to ensure proper handling of the youth and the protection of their rights.

221. Implementation priorities to ensure the full protection of children in conflict with the law include the enactment of legislation to eliminate torture and other cruel, inhuman or degrading punishment of children. Such law shall apply not only to youth offenders but also to those who commit offences not punishable by law. Other specific measures to be pursued over

the next five years are: the establishment of a comprehensive juvenile justice system and restoration of the Juvenile and Domestic Relations Courts to be known as Juvenile and Family Courts; forging of close coordination within the Philippine criminal justice system; and intensification of programmes and services in the community for the prevention of juvenile delinquency as well as for rehabilitative and after-care services.

C. Children in situations of exploitation, including physical and psychological recovery and social reintegration

1. Economic exploitation, including child labour

222. The Labour Code of the Philippines contains a number of provisions concerned with young workers. The Code originally specified that no child below 15 years old shall be employed except when he works directly under the sole responsibility of his parents or guardian and his employment does not in any way interfere with his schooling. This has been modified by the Special Protection Act which provides that persons between 15 and 18 years old may be employed for such number of hours and such periods of the day as determined by the Secretary of Labour and Employment. It also provides that in no case may a child be employed in any occupation which is hazardous or deleterious in nature.

223. The Code upholds the principle of non-discrimination, with its provision that no employer shall discriminate against any person with respect to terms and conditions of employment on account of his age.

224. To implement the prohibition on children being employed in any hazardous occupation, the Department of Labour and Employment has drawn up a listing of such occupations. This includes more than 50 specific occupations in 9 occupational groupings.

225. In the last five years, the Government has implemented special programmes for the protection and welfare of working children in selected areas. Beneficiaries of the first projects implemented were child scavengers in a Manila garbage dump, children engaged in deep-sea fishing, and those availing themselves of the services of the Department's 625 Working Youth Centres all over the country. A national project on streetchildren, about 80 per cent of whom are working children, provides basic services in selected urban areas.

226. The Government is working closely with non-governmental organizations towards the vision of abolition of child labour, the protection of child workers against abuse and exploitation, and assurance of their full development.

227. Difficulties encountered in the implementation of measures to protect and assist working children are: deficiencies in data needed in the formulation of legislation and other protective measures for working children; inadequate enforcement of laws, policies and standards; inadequate information and understanding of child labour issues, even among parents and employers, due to socio-cultural barriers and other factors; and limited income alternatives for working children.

Table 10. Occupations classified as hazardous, by occupational grouping, 1992

Occupational grouping/specific occupations	Occupation grouping/specific occupation
• Farming, fishing, hunting, logging and related occupations: deep sea and offshore fishermen; divers for sponge, pearl and shell; cutter, sawyer, stripper, cable installer, feller	• Services: fire-fighter and guards, ship stewards, flight attendants, bartenders, bus conductors and conductresses, hospitality girls, personal service of males in bars, cocktail lounges, motels, hotel, massage clinics and other drinking places, masseurs and macho dancers, janitors in bawdy houses, lifeguards in swimming pools and resorts, jockey and horse trainers, judo karate instructors, embalmers and undertakers, game table supervisors, lifting, carrying, handling and moving heavy loads
• Mining, quarrying and blasting machines, stone crushing equipment, conveyor, compressor, steam boiler, air receiver, wiring with fuse, electricity, stone splitter, underground and similarly confined space work	• Processing, repacking and preparation of drugs and chemical products involving exposure to dangerous chemicals: all occupations
• Crafts, production process and related occupations: occupations involved in the textile industry, fibre and plastic preparation, tool maker, machinist, plumber, welder, flame cutter and plater, installer and repairer of telephone and telegraph, electrical and electronic fitter, occupations involved in the semiconductor industry, linemen and cable joiner, sawyer and woodworking machine setter and operator, furnace man and kilnman in the manufacturer of glass, ceramics and bricks, handling and carrying of nails and metal sheets, tanner, blacksmith, hammersmith, foreman, slaughtering and killing hogs and large cattle, assorting, manufacturing or packaging tobacco	• Manufacturing, handling, transportation, storage and disposal of explosive, toxic corrosive, poisonous and noxious components and flammable liquids in bulk and other products: all occupations
• Construction: labourers/helper in cement mixing, carrying mixtures, hollow blocks, bags of cement	• Other occupations involving work processes and performed in hazardous workplaces as defined by the occupational safety and health standards: all occupations

Source: Department of Labour and Employment

228. Implementation priorities over the next five years include: the passage of legislation to define the minimum age for employment of children in part-time and light economic activities, to provide measures to protect children from exploitation by their own parents and to provide for measures to ensure the physical, mental, social, spiritual and moral development of working children. A programme to develop work ethics, appropriate vocational skills and counselling services among working children will be implemented. Advocacy on the banning of children from employment in any hazardous occupation shall be intensified. A study on apprenticeship among those who are 7-17 years old shall be undertaken.

2. Drug abuse

229. The Dangerous Drugs Act identifies the prohibited and regulated drugs, the penalties for violations, measures for prevention and rehabilitation and treatment of drug dependants. It provides for the inclusion in the educational curriculum of lessons on the adverse effects of dangerous drugs.

230. The Dangerous Drugs Board is the highest national policy-making body tasked with drug abuse prevention and control. It has provided leadership, coordination, technical and financial assistance and has endeavoured to promote inter- and intra-disciplinary cooperation, multi-agency coordination and community participation in the nationwide effort to curb the problem of drug abuse.

231. An Act Integrating Drug Prevention and Control in the Intermediate and Secondary Curricula as well as in the Non-formal, Informal and Indigenous Learning Systems has been promulgated. Information on the ill effects of drug abuse, drug addiction or drug dependency is now integrated into the formal education and other learning systems. This serves to strengthen implementation of youth-directed preventive and educational measures against drug abuse.

232. An integrated plan of action against drug abuse and on drug prevention has been formulated. This plan stresses the important role of education in preventing drug abuse. Local government units at all levels have launched a comprehensive education and information programme. A nationwide citizen's drug watch, encouraging the public to immediately report cases of drug abuse and drug pushing to the authorities, is being implemented.

233. Treatment and rehabilitation of drug dependants are accomplished through either residential or out-patient services provided by the Government, non-governmental organizations and private agencies duly accredited by the Dangerous Drugs Board. There are 10 residential rehabilitation centres being operated by the Government and 17 by non-governmental organizations and private agencies. In addition, there are 20 out-patient centres for these purposes. Rehabilitation services are either centre-based or home-based. Family therapy is a necessary component of treatment and rehabilitation and so is sustained community participation and involvement. Follow-up and after-care services are also provided.

234. A minor drug dependant may voluntarily submit himself or herself for confinement, treatment and rehabilitation, or a parent, guardian or relative may do so.

235. Efforts to prevent and control illicit trafficking and abuse of drugs are hampered by inadequate financial and other resources to curb activities of international syndicates involved in illicit trafficking of drugs; weak enforcement of laws and regulations; and inadequate facilities and services for the treatment and rehabilitation of drug dependants.

236. Implementation priorities over the next five years are: amendments to the Dangerous Drugs Law to include administrative procedures and processes to encourage users and dependants to seek rehabilitation instead of undergoing judicial proceedings; intensified public education and strengthened local government councils against drug abuse; and linking up treatment and rehabilitation services with major health and social services both in the government and private sectors.

3. Sexual exploitation and abuse

237. The Child and Youth Welfare Code classifies a child who is raped or seduced or a child who is in moral danger or is exposed to gambling, prostitution or other vices as a neglected child. Under the Code, parents are criminally liable when they exploit their children by using them directly or indirectly in acts which are inimical to their welfare. Reporting of a neglected or abused child is mandatory and is required of hospitals, clinics and other institutions, as well as of private physicians. In cases of sexual abuse, the records pertaining to the case shall be kept strictly confidential.

238. The Department of Social Welfare and Development is authorized to take into protective custody any sexually abused or exploited child or child prostitute and to provide appropriate services for his or her rehabilitation.

239. Rape, acts of lasciviousness, seduction, corruption of minors and the white slave trade are offences under the Revised Penal Code. The Special Protection Act has increased the penalties which had earlier been imposed by the Code for such acts. The Special Protection Act states that any child, whether male or female, who for money, profit or any other consideration, or due to the coercion or influence of any adult, syndicate or group, indulges in sexual intercourse or lascivious conduct is deemed to be a child exploited in prostitution and other sexual abuse. The use of a child in prostitution, pornographic performance and material and other unlawful sexual activities is punishable under the Act. Parents, guardians or caretakers who will cause or allow a child to engage in activities prohibited by the Act are criminally liable.

240. Advocacy for strict enforcement of existing laws is spearheaded by the Department, the Commission on Human Rights and non-governmental organizations such as the Salinlahi, Defence for Children International - Philippine Section and End Child Prostitution in Asian Tourism. Advocacy efforts have resulted in increased awareness of child's rights in this area among law enforcement authorities and the public in general.

241. Communities where foreign paedophiles operate have taken concrete steps to protect children from exploitation. An example is the Council for the Protection of Children in the municipality of Pagsanjan, Laguna. Actions taken by the Council have shown that through vigilance and concerted efforts of the community and concerned government agencies, sexual exploitation of children by foreign paedophiles can be contained.

242. Reporting of sexual abuse cases has been facilitated with the installation by the Department of a child watch project which makes use of the telephone, radio and television stations as hotlines.

243. The highly sensitive nature of sexual abuse cases calls for a long process of rehabilitation. The Department and non-governmental organizations provide the following rehabilitative services for child victims of sexual abuse and exploitation: protective custody; parental guidance and counselling; child placement services when called for; educational opportunities and assistance; psychological and psychiatric evaluation and treatment; medical, physical, dental examinations and treatment; spiritual and moral development; and livelihood development services.

244. Difficulties encountered in protecting the child from sexual exploitation are: a lack of adequate information and data on the nature, extent, causes and effects of sexual abuse and exploitation; reluctance of family members to report sexual abuse cases, particularly incest and rape; inadequate enforcement of relevant laws; the long court process which serves to discourage victims and their families from filing and pursuing cases in court; inadequacies in the provision of psycho-social interventions for the rehabilitation of child victims and their families; and inadequate knowledge and skills of service-providers in handling cases of sexual abuse and exploitation.

245. Implementation priorities over the next five years will include: advocacy, information and education campaigns on the problems of sexual abuse and exploitation of children; strict enforcement of laws, particularly the Special Protection Act; establishment of close and efficient networking within the Philippine justice system on this concern; intensified development and implementation of services focusing on psycho-social interventions for child victims and for their families as well as for the perpetrators; capability-building to enhance the knowledge and skills of service-providers in handling sexual abuse and exploitation cases among children; and mobilization of communities to more actively participate in protecting children against sexual abuse and exploitation.

4. Sale, trafficking and abduction

246. Parents who sell their children are criminally liable under the Child and Youth Welfare Code. Simulation of birth and abduction are both punishable under the Revised Penal Code.

247. The Special Protection Act specifically prohibits child trafficking and states that any person who shall engage in trading and dealing in children, including but not limited to the act of buying, selling or barter of a child,

shall suffer the penalty of reclusion temporal to reclusion perpetua, the latter to be imposed in cases where the victim is less than 12 years old.

248. The following are considered attempts to commit child trafficking: when a child travels alone to a foreign country without valid reason and without clearance from the Department of Social Welfare and Development; when a pregnant mother executes an affidavit of consent for adoption of her unborn child for consideration; when a person, agency, establishment or child-caring institution recruits women or couples to bear children for the purpose of child trafficking; when a doctor, hospital or clinic official or employee, nurse, midwife, local civil registrar or any other person simulates birth for the purpose of child trafficking; when a person engages in the act of finding children among low-income families, hospitals, clinics, nurseries, day care centres or other child-caring institutions who can be offered for the purpose of child trafficking.

249. The Child and Youth Welfare Code calls for immediate reporting on, and transfer of, an abandoned child to the Department in order to prevent child trafficking. Key actions taken by the Department to guard against trafficking are the requirement that any child travelling abroad without his or her parents must first get clearance from the Department and the deployment of Department staff at the country's international airports to review travel papers of children about to leave the country. The Department works closely with the Department of Foreign Affairs for the repatriation of children trafficked to other countries.

250. One of the difficulties encountered in preventing the sale, trafficking and abduction of children is that these crimes are not yet in the consciousness of the public. Related to this is the lack of data on the nature, extent and causes of abduction, sale and trafficking of children.

251. Implementation priorities over the next five years are: strict enforcement of laws, particularly the Special Protection Act; intensified advocacy, information and educational campaigns; and Philippine accession to the Hague Convention on the Civil Aspects of International Child Abduction.

D. Children belonging to indigenous groups

252. The Philippine Government has demonstrated its special concern for the welfare of indigenous groups through the establishment of agencies specifically for them. There are three distinct offices under the Office of the President which are mandated to spearhead development efforts in cultural communities. These are the Office of Muslim Affairs, the Office of Northern Cultural Communities and the Office of Southern Cultural Communities.

253. The concerns of indigenous children have been highlighted in the Special Protection Act which states that in addition to the rights guaranteed to children in general, children of indigenous communities are entitled to protection, survival and development consistent with the customs and traditions of their respective communities. The Act provides further that the Department of Education, Culture and Sports is to develop and institute an

alternative system of education for indigenous cultural communities which is culture-specific and is relevant to their needs and to the situation existing in their communities.

254. The delivery of basic services in health and nutrition to children of indigenous cultural communities is to be given priority. Hospitals and other health institutions are required by the Act to ensure that children of indigenous cultural communities are given equal attention. Indigenous health practices are to be respected.

255. Despite the strong legal framework for guaranteeing that children of indigenous communities receive the basic services which they need, a number of difficulties have constrained effective delivery of services to them. Most important of these is the inaccessibility of most of the areas where indigenous communities live. This situation is aggravated when natural calamities occur, destroying existing infrastructure.

256. Implementation priorities over the next five years are: the gathering of baseline data on children of indigenous communities, together with a comprehensive assessment of their needs, and the regular monitoring of service-delivery to them.

IX. CONCLUSIONS AND FUTURE DIRECTIONS

257. Preparation of this report has led to a number of important conclusions and has helped point out the directions which the Philippine Government will need to pursue in its work for children. A major conclusion is that a strong legislative framework for upholding children's rights is already well in place in the Philippines. Legislation exists to cover all four general principles and each of the child's rights specifically covered by the Convention on the Rights of the Child.

258. To some extent, this is because even prior to Philippine ratification of the Convention, there had been, for some years, a Child and Youth Welfare Code which had defined the rights and responsibilities of the child. The laws which were enacted post-ratification have firmed up this legislative foundation. The Barangay-Level Development and protection of Children Act and the Special Protection of Children against Abuse, Exploitation and Discrimination Act have served to update and complement the provisions of the Child and Youth Welfare Code and to bring these into closer alignment with the Convention. Concerns which had only more recently surfaced and had not been covered by the Code, such as the problems of child abuse, exploitation and trafficking and the problems of children of indigenous cultural communities, have been begun to be better addressed with these two post-ratification laws.

259. Only a few areas remain where new legislation will need to be enacted. These will cover: strengthening the juvenile justice system through the restoration of the Juvenile and Domestic Relations Courts, to be renamed Juvenile and Family Courts; illicit transfer and non-return, torture and deprivation of liberty; intercountry adoption; protection of the life of the unborn; definition of the health and nutrition standards to which every child has the right and on emphasizing the child-focused provisions of the Dangerous Drugs Law.

260. While the legislative foundation for upholding child's rights is well in place, the sad reality is that there is a great distance between enactment of laws on children's rights and the children's enjoyment of these rights. Even where there are laws on these rights, they are not always as well enforced as they should be. There is, therefore, a need to ensure in the future that appropriate actions are taken to ensure full compliance with these laws, that the necessary programmes are implemented as planned, that regulations are strictly enforced and that penalties are firmly imposed. An example of a right which is specifically guaranteed by the Constitution but which is not yet enjoyed by a significant number of Filipino children is the child's right to proper care and nutrition.

261. Difficulties encountered in the implementation of existing laws and programmes are largely similar across the various areas covered by this report. These are: first, inadequacies in the monitoring of enforcement of laws, implementation of programmes and changes in the situation of children; second, deficiencies in the level of skills among service-providers; third, limitations in the transportation and communications infrastructure which preclude effective service delivery to far-flung barangays; and fourth, the reality of resource constraints. The fourth affects the first three.

262. The need to expand access of children to basic and other specialized services in the face of funding limitations makes efficient resource use even more imperative. A study on the costs of delivering child services will be conducted with the two-fold objective of improving outreach through cost-reduction measures and of providing a sound basis for channelling increased government appropriations into programmes for children.

263. To enable Filipino children to enjoy the rights which the Convention and the Constitution have guaranteed to them, the foregoing concerns will be given priority attention. An immediate move will be the strengthening of the country's child monitoring system, so that decision-making by national leadership, legislators, other policy-makers, programme-implementers and the public at large with regard to child's rights may be enhanced. The aim is to have significant improvement in the system before the end of 1993.

264. The monitoring system will be participatory in nature. It will call for inputs from government agencies, non-governmental organizations and the communities themselves. Participation of various sectors and concerned groups in the analysis and use of findings generated by the system will be encouraged.

265. The ongoing Philippine Plan of Action will continue to guide efforts of the various sectors, agencies and organizations involved in the work for children. Whether or not the PPAC goals are achieved, and the pace at which they are achieved, will be a key measure of progress in upholding child's rights.

266. What will differentiate Philippine Government efforts in its work for children is the breadth, explicitness and intensity of action which will be placed on child's rights. It can be said, even now, that the Convention has made a difference. This is especially true in the areas of child protection and participation. It can also definitely be said that precisely because of

Table 11. Selected PPAC target* goals, by area of child's rights, for the year 2000

Area/concern	Per cent
CIVIL RIGHTS AND FREEDOM	
1. Child's opinion to be heard and considered in planning and policy formulation	
City government	80
Municipal government	50
2. Increase in participation in community-related projects at barangay level	20
FAMILY ENVIRONMENT AND ALTERNATIVE CARE	
3. Promotion of responsible parenthood among disadvantaged families	80
4. Reduction in the number of abandoned and neglected children	80
5. Provision of social services to registered solo parents	70
6. Provision of aid to registered families in economic crises	80
7. Availability of improved child placement services for children in care	80
BASIC HEALTH, NUTRITION AND WELFARE	
8. Reduction of infant mortality rate (per 1,000 livebirths)	37.6
9. Reduction of child mortality rate (per 1,000 population)	4.4
10. Reduction of maternal mortality rate (per 1,000 livebirths)	0.6
11. Reduction in the rate of low birth weight	10
12. Reduction in prevalence of severely or moderately underweight children, 0-6 years	7.0
13. Reduction in prevalence of severely or moderately underweight children, 7-10 years	2.0

Table 11 (continued)

14.	Elimination of consequences of iodine deficiency disorders in hyper-endemic areas	100
15.	Virtual elimination of vitamin A deficiency and its consequences	100
16.	Access of rural population to safe water supply	96
17.	Access of rural population to sanitary means of disposal	94
EDUCATION, LEISURE AND CULTURE		
18.	Access to early childhood services, 0-6 years old (?)	90
19.	Elementary participation rate	100
20.	Elementary achievement rate	75
21.	Basic literacy rate among out-of-school children and parents	98
22.	Functional literacy rate among out-of-school children and parents	85
23.	Expansion of leisure, recreation, cultural and sports activities in all barangays	
	Cities	80
	Municipalities	50
SPECIAL PROTECTION MEASURES		
24.	Protection and rehabilitation of, abused and exploited children	70
25.	Provision of basic services to children in situations of armed conflict	80
26.	Psychological recovery and social reintegration of children in especially difficult circumstances	60

Source: The Philippine Plan of Action for Children, 1992.

* Targeted in: Goal Nos. 1, 23
by: Goal Nos. 2, 4, 11, 14, 15
to: Goal Nos. 8, 9, 10, 11, 12, 13, 19, 20, 21, 22
of: Goal Nos. 3, 5, 6, 7, 16, 17, 18, 24, 25, 26

the Convention, work for children in the Philippines through the 1990s now assumes a different character than in earlier years. In addition to fulfilling a cherished tradition of caring for the country's children, the Philippine Government has now made it the due of each Filipino child, as well as of the global community, to uphold each and every one of the rights guaranteed by the Convention.

267. The Philippine Government will be at the forefront of efforts to implement the Convention. The efforts, however, will necessarily be a continuing collaboration among the Government, non-governmental organizations, the academe, the corporate sector, communities, families and the children themselves. Work for children in the Philippines will benefit from the support of the international community. A challenge will be for Government to mobilize more organizations and individuals to join those already working for children. Advocacy for child's rights will be a continuing task.

268. In the Multisectoral National Consultation on the Convention on the Rights of the Child, held almost exactly two years after its ratification by the Philippines, the President stressed that despite the progress made in improving the welfare of Filipino children, there was still much work to be done. The President has also called attention to the fact that the well-being of the country's children is closely linked with economic growth in the country. In his first State of the Nation Address, the President declared that, henceforth, "Growth will be measured not in terms of statistics, but in terms of people: in the child we save from hunger and raise to a life of dignity and well-being, in the woman we raise to her true place in society, in the community we transform from distress to a net contributor to national viability ...." He has, thus, placed children at the heart of the national development agenda with improvements in their situation as indicators of progress.

269. Through this initial report on the implementation of the Convention on the Rights of the Child, the Philippine Government renews and reaffirms its total commitment to the Filipino child.